

DEPARTMENT OF TRANSPORTATION

DIVISION OF MOTOR VEHICLES

Enforcement Service

Licensing Service

Vehicle Inspection

Enhanced Motor Vehicle Inspection and Maintenance Program

Inspection Standards and Test Procedures to Be Used By Official Inspection Facilities

Private Inspection Facility Licensing

Inspection Standards and Test Procedures to Be Used By Licensed Private Inspection Facilities

Motor Vehicle Emission Repair Facility Registration

Inspection of New Motor Vehicles

Motorcycles

Compliance with Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles

Mobile Inspection Unit

Registrations

New Jersey Licensed Motor Vehicle Dealers

Proposed Amendments:

N.J.A.C. 13:20-24.20, 26.16, 28.3, 28.4, 28.6, 29.1, 29.2, 29.3, 43.1, 43.2, 43.3, 43.4, 43.5, 43.6, 43.7, 43.8, 43.10, 43.11, 43.12, 43.13, 43.14, 43.15, 43.16, 43.17, 44.1, 44.2, 44.3, 44.4, 44.6, 44.7, 44.9, 44.10, 44.12, 44.13, 44.14, 44.17, 44.18, 45.1, 45.4, 45.7, 45.10, 45.14 and 45.16

Proposed Repeals and New Rules:

N.J.A.C. 13:20-7.4, 13:20-32 and 13:20-33

Proposed Repeals:

N.J.A.C. 13:20-7.5, 7.6, 7.7, 7.8, 7.12 and 7.13

Proposed New Rules:

N.J.A.C. 13:20-7.1, 7.2, 7.3, 13:21-

Proposed Recodifications with Amendments:

N.J.A.C. 13:20-7.1 as N.J.A.C. 13:20-7.5, and N.J.A.C. 13:20-7.2 as N.J.A.C. 13:20-7.6

Authorized By:

C. Richard Kamin, Director, Division of Motor Vehicles, with the concurrence of Robert C. Shinn, Jr., Commissioner, Department of Environmental Protection, and after consultation with Mark S. Herr, Director, Division of Consumer Affairs

Authority:

N.J.S.A. 39:8-2, 39:8-10, 39:8-45, 39:8-53, 39:3-33, 39:3-43 and 39:10-4

A **public hearing** concerning this proposal will be held on:

Monday, September 27, 1999, at 10:00 A.M. at:
First Floor Public Hearing Room
Department of Environmental Protection
401 East State Street
Trenton, New Jersey

Interested persons may submit written comments relevant to this proposal on or before October 7, 1999. The submissions and responses should be addressed to:

C. Richard Kamin, Director
Division of Motor Vehicles
Attention: Legal Staff
225 East State Street
P.O. Box 162
Trenton, New Jersey 08666-0162

Summary

The Division of Motor Vehicles (Division) is proposing new rules, and amendments and repeals of existing rules, concerning the establishment of a biennial enhanced motor vehicle inspection and maintenance program in this State in accordance with the "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c. 112) and the Federal Clean Air Act Amendments of 1990 (42 U.S.C. §7401 et seq.).

N.J.A.C. 13:20-7.4, 7.5, 7.6, 7.7, 7.8, 7.12, and 7.13, which pertain to motor vehicle inspection, are proposed for repeal because such rules are not consistent with the biennial enhanced motor vehicle inspection and maintenance program mandated by the Federal Clean Air Act Amendments of 1990 (42 U.S.C. §7401 et seq.) and the "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c. 112).

The proposed new rule at N.J.A.C. 13:20-7.1 sets forth definitions applicable to the subchapter.

The proposed new rule at N.J.A.C. 13:20-7.2 provides that motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall be inspected on a biennial basis, except as otherwise provided by law or regulation. Subsection (b) provides an exemption from the inspection requirement for certain enumerated classes of motor vehicles (for example, historic motor vehicles, collector motor vehicles, farm tractors, construction equipment, etc.).

The proposed new rule at N.J.A.C. 13:20-7.3(a) provides that motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall have the inspection performed at an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility as set forth in the rule. The proposed new rule at N.J.A.C. 13:20-7.3(b) provides that official inspection facilities shall perform inspections on automobiles, trucks, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles. Official inspection facilities shall not perform inspections on modified buses with a capacity of more than 15 passengers, school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, jitneys, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37. The proposed new rule at N.J.A.C. 13:20-7.3(c) provides that licensed private inspection

facilities shall perform inspections on automobiles, trucks, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), jitneys as defined in N.J.A.C. 13:20-44.2, and motorcycles. Licensed private inspection facilities shall not perform inspections on school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

The proposed new rule at N.J.A.C. 13:20-7.3(d) provides that State specialty inspection facilities shall perform inspections on motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37, motor vehicles which are operated by handicapped persons and which have been modified so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped, reconstructed vehicles, salvage motor vehicles which are subject to inspection in accordance with N.J.A.C. 13:21-22, modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, any motor vehicle which the Director may require to be presented for inspection for auditing purposes, and any motor vehicle which has failed inspection at an official inspection facility or a licensed private inspection facility which is presented for reinspection by the owner or lessee thereof because he or she disputes the inspection failure. The proposed new rule at N.J.A.C. 13:20-7.3(e) provides that notwithstanding N.J.A.C. 13:20-7.3(d), following successful completion of inspection at a State specialty inspection facility, motor vehicles which are operated by handicapped persons and which have been modified so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped, reconstructed vehicles, and salvage motor vehicles which are subject to inspection in accordance with N.J.A.C. 13:21-22 shall thereafter be inspected at an official inspection facility or a licensed private inspection facility.

The proposed new rule at N.J.A.C. 13:20-7.4 pertains to the issuance of temporary authorization certificates by the Division. Subsection (a) provides that whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction, is initially registered in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation. Subsection (b) provides that whenever a new motor vehicle, which has been purchased in a foreign jurisdiction and temporarily registered therein, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation. Subsection (c) provides that whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or certificate of waiver, is initially registered by the purchaser in this State, the registrant thereof shall either (1) present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate or (2) present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility no later than the expiration date of the New Jersey inspection certificate of approval or certificate of waiver affixed to the motor vehicle. In either event, the motor vehicle shall thereafter be inspected on a biennial

basis, except as otherwise provided by law or regulation. Subsection (d) provides that whenever a used motor vehicle, which has been purchased in this or any other State and which does not have affixed thereto an unexpired New Jersey inspection certificate of approval or certificate of waiver, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation. Subsection (e) provides that whenever a used motor vehicle, which has been purchased in this State and which has affixed thereto a collector motor vehicle windshield sticker issued pursuant to N.J.A.C. 13:20-43.2(e), is initially registered by the purchaser in this State, the windshield sticker shall be deemed void and the registrant thereof shall be issued a temporary authorization certificate and shall either (1) present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation or (2) present such motor vehicle to the Director or his or her designee within 14 days of the date of issuance of the temporary authorization certificate and make application for designation as a collector motor vehicle in accordance with N.J.A.C. 13:20-43.2(c) through (h), inclusive.

The rule previously set forth at N.J.A.C. 13:20-7.1 is proposed for amendment and recodification as N.J.A.C. 13:20-7.5. As proposed for amendment, the rule provides that if "a motor vehicle" inspection as required by N.J.S.A. 39:8-1 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such "motor" vehicle to have such adjustments, corrections, or repairs made and to present the "motor" vehicle for reinspection no later than the last day of the calendar month following the calendar month in which the "motor" vehicle was due for inspection, except as otherwise provided at "N.J.A.C. 13:20-7.6(a)" (changed to reflect the proposed recodification of the cited provision). However, if an on-road inspection required by N.J.S.A. 39:8-2 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such "motor" vehicle to have such adjustments, corrections, or repairs made and to present the "motor" vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at "N.J.A.C. 13:20-7.6(a)" (changed to reflect the proposed recodification of the cited provision).

The rule previously set forth at N.J.A.C. 13:20-7.2 is proposed for amendment and recodification as N.J.A.C. 13:20-7.6. As proposed for amendment, subsection (a) provides that when the nature of the "defect(s)" (changed from "defects") found "at a motor vehicle inspection" is such as "to constitute a hazard to the public safety" so as to require immediate repairs "to such motor vehicle," such repairs shall be made "and the motor vehicle presented for reinspection" within 48 hours. A new subsection (b), which is proposed for addition, provides that a defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the 15 items specified in the subsection.

N.J.A.C. 13:20-24.20, which pertains to the inspection of motorcycles, is proposed for amendment. Proposed for addition to subsection (a) is language which provides that "motorcycles shall be inspected pursuant to N.J.S.A. 39:8-1 on a biennial basis, except as otherwise provided by law or regulation." Motorcycle "inspection certificates of approval" (changed from "registrations") shall expire on the last day of the months April through October, "inclusive." A previous requirement that a motorcycle be inspected prior to the expiration of the registration certificate issued

for the motorcycle is proposed for deletion. The subsection as proposed for amendment also provides that any "motorcycle" (changed from "such vehicle") which is operated after the expiration of the inspection "certificate of approval shall" (changed from "registration certificate and does not display a current inspection sticker will") be subject to enforcement action. Subsection (b) as proposed for amendment provides that "except as otherwise provided at N.J.A.C. 13:20-28, the owner or lessee of a motorcycle," new or used, registered in New Jersey for the first time "shall" (changed from "will") be issued a temporary authorization certificate. The rule is further proposed for amendment to insert the following: "Such motorcycles which are registered during the calendar months April through October, inclusive, shall be presented for inspection within 14 days of the date of issuance of the temporary authorization certificate. Such motorcycles which are registered during the calendar months November through March, inclusive, shall be presented for inspection no later than the last day of the calendar month designated by the Director of the Division of Motor Vehicles for such inspection. The motorcycle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation."

N.J.A.C. 13:20-26, which pertains to the self-inspection of certain classes of motor vehicles, is proposed for amendment. N.J.A.C. 13:20-26.16 as proposed for amendment provides that notwithstanding, and in addition to any other provision or requirement of this "subchapter" (changed from "chapter"), all vehicles [subject to self-inspection pursuant to N.J.A.C. 13:20-26] (except trailers, semitrailers, pole trailers, diesel trucks registered at a gross weight of 10,000 pounds or more and diesel truck tractors as defined in N.J.S.A. 39:1-1) shall be inspected "pursuant to N.J.S.A. 39:8-1 on a biennial basis" at "an official inspection facility or a licensed private inspection facility" (changed from "State inspection stations or by examiners designated by the Director"). Subsection (b) of the rule is proposed for repeal because it is not consistent with the biennial enhanced motor vehicle inspection and maintenance program.

Several rules in N.J.A.C. 13:20-28, which pertain to the inspection of new motor vehicles, are proposed for amendment. Technical corrections to the text of N.J.A.C. 13:20-28.3, which contains definitions applicable to the subchapter, are proposed.

N.J.A.C. 13:20-28.4(c) as proposed for amendment provides that any new motorcycle dealer which inspects new motorcycles pursuant to N.J.A.C. 13:20-28 must be licensed as a "Class III private inspection facility pursuant to N.J.A.C. 13:20-44" (changed from "motorcycle reinspection center pursuant to N.J.A.C. 13:20-32.1 et seq.").

N.J.A.C. 13:20-28.6(b) as proposed for amendment provides that any new motor vehicle receiving a decal or any other indication of successful inspection "pursuant to this subchapter" shall next be inspected "not later than two years" (changed from "one year") from the "last day of the calendar month in which the vehicle was inspected by the new motor vehicle dealer, and the decal or other indication of successful inspection affixed to the vehicle by the new motor vehicle dealer shall so indicate" (changed from "date of initial registration of that vehicle"). Subsections (c) and (d) are proposed for repeal because they are not consistent with the biennial enhanced motor vehicle inspection and maintenance program.

Several rules in N.J.A.C. 13:20-29, which pertain to the on-road inspection of motor vehicles by the Division's Mobile Inspection Unit, are proposed for amendment.

N.J.A.C. 13:20-29.1, as proposed for amendment, provides that the Division's Mobile Inspection Unit is authorized to conduct on-road inspections of "motor" vehicles registered in New Jersey in accordance with the procedures set forth at N.J.A.C. 13:20-43.14 for the purpose of

fostering highway safety. A technical change to N.J.A.C. 13:20-29.1 to delete an outdated reference to a "Bureau of Vehicle Inspection" within the Division is proposed.

N.J.A.C. 13:20-29.2(a), as proposed for amendment, provides that "motor" vehicles inspected pursuant to "N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14" (changed from "N.J.A.C. 13:20-29.1") which are found to be in "proper" (changed from "safe") operating condition "shall retain the existing inspection certificate of approval or certificate of waiver issued therefor" (changed from "will be allowed to proceed and no additional marking will be placed upon the vehicle"). Subsection (b), as proposed for amendment, provides that "motor" vehicles inspected "pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 which are" found to be defective "shall have the existing inspection certificate of approval or certificate of waiver issued therefor, if any, removed and an inspection" rejection sticker "shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle" (changed from "shall be marked with a rejection sticker"). "Motor" vehicles "which are found to be defective shall be repaired and presented for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a)" (changed from "these vehicles will be required to have the necessary repairs made and to return to any State-operated inspection station, licensed private inspection center or licensed private inspection facility within the period of time indicated on the inspection sticker").

N.J.A.C. 13:20-29.3, as proposed for amendment, provides that "motor" vehicles "inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14 which are" found to be defective and "which have not been presented for reinspection in accordance with N.J.A.C. 13:20-29.2(b) shall be subject to the penalties provided in chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.16(b)" (changed from "which continue to operate beyond the period provided for on the inspection sticker shall be subject to the penalties now provided in Title 39 of the Statutes of New Jersey").

Existing rules set forth at N.J.A.C. 13:20-32 (Motor Vehicle Reinspection Centers) and at N.J.A.C. 13:20-33 (Enforcement Service: Standards and Procedures To Be Used by Licensed Reinspection Centers) are proposed for repeal because such rules are not consistent with the enhanced motor vehicle inspection and maintenance program mandated by the Federal Clean Air Act Amendments of 1990 (42 U.S.C. §7401 et seq.) and the "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c. 112). The rules at N.J.A.C. 13:20-32 pertaining to motor vehicle reinspection centers which are proposed for repeal have been superseded by the Division's rules set forth in N.J.A.C. 13:20-44 (Private Inspection Facility Licensing). The rules at N.J.A.C. 13:20-33 pertaining to standards and procedures to be used by licensed reinspection centers which are proposed for repeal have been superseded by the Division's proposed new rules set forth in N.J.A.C. 13:20-33 (Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities).

The proposed new rules at N.J.A.C. 13:20-32 establish the inspection standards and test procedures to be utilized by official inspection facilities when inspecting and certifying automobiles, trucks, modified buses which have a capacity of not more than 15 passengers and which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles for compliance with inspection standards.

N.J.A.C. 13:20-32.1 sets forth definitions applicable to the subchapter.

N.J.A.C. 13:20-32.2 sets forth general provisions which are applicable to official inspection facilities. Subsection (b) provides that official inspection facilities shall be authorized to engage in the inspection, reinspection and certification of automobiles, trucks, modified buses with a capacity

of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles; provided, however, official inspection facilities shall not inspect modified buses with a capacity of more than 15 passengers, school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, jitneys as defined in N.J.A.C. 13:20-44.2, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37. Subsection (c) provides that an official inspection facility shall be authorized to affix an inspection certificate of approval on a motor vehicle upon initial inspection or reinspection as certification of compliance with inspection requirements. Subsection (d) provides that an official inspection facility shall be authorized to affix a certificate of waiver on a motor vehicle which satisfies all of the requirements of N.J.A.C. 13:20-43.13. Subsection (e) governs the affixation of an inspection certificate of approval to an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey which conforms to the inspection standards set forth in N.J.A.C. 13:20-32 and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. Subsection (f) governs the affixation of an inspection rejection sticker to an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey which does not conform to the inspection standards set forth in N.J.A.C. 13:20-32 or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. Subsection (g) governs the affixation of a "48 hour" inspection rejection sticker to an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey which does not conform to the inspection standards set forth in N.J.A.C. 13:20-32 or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4 and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle. Subsection (h) governs the affixation of a certificate of waiver to a motor vehicle registered in New Jersey which satisfies all of the requirements of N.J.A.C. 13:20-43.13. Subsection (i) governs the affixation of an inspection certificate of approval to a motorcycle registered in New Jersey which conforms to the inspection standards set forth in N.J.A.C. 13:20-32. Subsection (j) sets forth the procedure which must be followed by an official inspection facility when a motorcycle registered in New Jersey does not conform to the inspection standards set forth in N.J.A.C. 13:20-32. Subsection (k) provides that when a motor vehicle inspection report is marked "MUST BE REINSPECTED AT A STATE SPECIALTY INSPECTION FACILITY", an official inspection facility shall neither reinspect nor certify the motor vehicle, as it must be returned to a State specialty inspection facility for such reinspection and certification. Subsection (l) provides that if a motor vehicle is presented for reinspection, the official inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) have been repaired so as to conform to the inspection standards set forth in N.J.A.C. 13:20-32 and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 13:20-7.6(a), or 13:20-43.14(g), whichever is applicable. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety or emission-related defects, the motor vehicle shall be subject to a complete reinspection. Subsection (m) sets forth the procedure that an official inspection facility shall follow when a motor vehicle is presented for reinspection and fails to conform to the inspection standards set forth in N.J.A.C. 13:20-32 or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. Subsection (n) provides that if a

motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has not been repaired, the official inspection facility shall not issue "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle.

Subsection (o) provides that if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired so as to conform to the inspection standards set forth in N.J.A.C. 13:20-32 and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in N.J.A.C. 13:20-32 or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, the official inspection facility shall remove the "48 hour" inspection rejection sticker previously affixed to the motor vehicle and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5. Subsection (p) provides that any motor vehicle presented for initial inspection shall undergo a complete inspection, and that once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. The subsection further provides that an inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection. Subsection (q) sets forth the procedure that an official inspection facility shall follow when issuing a replacement inspection certificate of approval or certificate of waiver for a motor vehicle for which the current inspection certificate of approval or certificate of waiver has been lost, stolen, destroyed, or defaced, or for a motor vehicle which has had its windshield replaced.

N.J.A.C. 13:20-32.3 through 32.71 set forth specific inspection standards and test procedures with regard to the following items: credentials; license plates; steering and suspension; front parking lights; glazing; obstruction to driver's vision; horn; windshield wipers; clearance lights; turn signals and hazard warning signals; reflectors; identification lights; side-marker lights; taillights and license plate light; stoplights; wheels; tires; exhaust system; emission test(s); emission test equipment calibration; headlights; rear view mirrors; miscellaneous lights; wiring and switching; headlight beam indicator light; turn signal and hazard warning signal indicator lights; antenna; body; bumpers; doors; fenders and fender flaps; fuel system; hood; lettering; ornaments; pedals; racks or carriers; reflective tape; seats; seat belts; gear shift indicator; transmission; television; trunk lid; service brakes (including service brake equalization and service brake pedal reserve); parking brake; speed recording instrument (speedometer) and mileage recording instrument (odometer); motorcycle credentials; motorcycle license plate; motorcycle frame, wheels, steering, handlebars, and suspension; motorcycle windscreen, glazing, and obstruction to driver's vision; motorcycle horn; motorcycle windshield wipers; motorcycle clearance lights; motorcycle taillight, reflector, and license plate light; motorcycle stoplight; motorcycle tires; motorcycle exhaust system; motorcycle headlights; motorcycle rear view mirrors; motorcycle miscellaneous lights; motorcycle wiring, switching, and electrical equipment; motorcycle headlight beam indicator light; motorcycle miscellaneous items; motorcycle service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled

motorcycles); motorcycle helmets; motorcycle goggles or face shields; motorcycle seats; and motorcycle foot rests.

The proposed new rules at N.J.A.C. 13:20-33 establish the inspection standards and test procedures to be utilized by licensed private inspection facilities, including Class I and Class II licensed private inspection facilities when inspecting and certifying automobiles, trucks, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), and jitneys for compliance with inspection standards, and Class III licensed private inspection facilities when inspecting and certifying motorcycles for compliance with inspection standards.

N.J.A.C. 13:20-33.1 sets forth definitions applicable to the subchapter.

N.J.A.C. 13:20-33.2 sets forth general provisions which are applicable to private inspection facilities, including Class I, II, and III licensed private inspection facilities. Subsection (b) provides that a licensed private inspection facility shall be authorized to affix an inspection certificate of approval on a motor vehicle upon initial inspection or reinspection as certification of compliance with inspection requirements. Subsection (c) provides that an emission inspection or reinspection shall be performed by a motor vehicle emission inspector licensed in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17. The motor vehicle emission inspector shall sign his or her name on the motor vehicle inspection report upon completion of the inspection or reinspection of a motor vehicle. A safety inspection or reinspection shall be performed by a mechanic possessing the qualifications set forth at N.J.A.C. 13:20-44.19. The mechanic shall sign his or her name on the motor vehicle inspection report or motorcycle inspection invoice upon completion of the inspection or reinspection of a motor vehicle or motorcycle. Subsection (d) provides that the fee which may be charged by a Class I licensed private inspection facility for an initial inspection shall not exceed the schedule of inspection charges displayed at the facility's place of business and on file with the Division of Motor Vehicles' Private Inspection Facility Licensing Unit. The schedule of inspection charges shall specifically set forth the inspection charges for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds. Subsection (e) provides that the fee which may be charged by a Class III licensed private inspection facility for an initial inspection shall not exceed one-quarter (1/4) of the private inspection facility's hourly labor charge. The schedule of inspection charges shall be displayed at the facility's place of business and filed with the Division of Motor Vehicles' Private Inspection Facility Licensing Unit. Subsection (f) provides that a Class I licensed private inspection facility shall not perform emission-related motor vehicle repairs unless it is registered with the Division as a motor vehicle emission repair facility in accordance with N.J.A.C. 13:20-45. Subsection (g) provides that if the private inspection facility is authorized to make repairs, the condition of the rejected item(s) shall be brought into compliance with the inspection standards set forth in N.J.A.C. 13:20-33 and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. Subsection (h) provides that a private inspection facility license also requires reinspection and certification of a motor vehicle when the motor vehicle owner or lessee, or any other person authorized by the motor vehicle owner or lessee, has made the repairs. In such cases, the private inspection facility shall reinspect the rejected item(s) to determine if they conform to the standards set forth in N.J.A.C. 13:20-33 and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. If such defect(s) have been brought into compliance with the standards set forth in N.J.A.C. 13:20-33 and the inspection standards established by the Department of Environmental Protection

at N.J.A.C. 7:27-15 and 7:27B-4, an inspection certificate of approval shall be affixed to the motor vehicle. A private inspection facility may charge a fee for such reinspection service based on the facility's established hourly labor charge for repair services, but only that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR of 8,500 pounds or less by Class I licensees as set forth in Appendix A to the rule; or that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR greater than 8,500 pounds by Class I licensees as set forth in Appendix B to the rule; or that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motorcycles by Class III licensees as set forth in Appendix C to the rule. Subsections (i) and (j) pertain to the inspection invoice stamp to be used by licensed private inspection facilities. Subsection (k) governs the affixation of an inspection certificate of approval to an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), or jitney registered in New Jersey which conforms to the inspection standards set forth in N.J.A.C. 13:20-33 and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. Subsection (l) governs the procedure to be followed by a Class I or Class II licensed private inspection facility to denote that an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), or jitney registered in New Jersey does not conform to the inspection standards set forth in N.J.A.C. 13:20-33 or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. Subsection (m) governs the affixation of a "48 hour" inspection rejection sticker to an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), or jitney registered in New Jersey which does not conform to the inspection standards set forth in N.J.A.C. 13:20-33 or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4 and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle. Subsection (n) governs the affixation of an inspection certificate of approval to a motorcycle registered in New Jersey which conforms to the inspection standards set forth in N.J.A.C. 13:20-33. Subsection (o) sets forth the procedure to be followed by a licensed private inspection facility when a motorcycle registered in New Jersey does not conform to the inspection standards set forth in N.J.A.C. 13:20-33. Subsection (p) provides that when a motor vehicle inspection report is marked "MUST BE REINSPECTED AT A STATE SPECIALTY INSPECTION FACILITY", a licensed private inspection facility shall neither reinspect nor certify the motor vehicle, as it must be returned to a State specialty inspection facility for such reinspection and certification. Subsection (q) provides that if a motor vehicle is presented for reinspection, the licensed private inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) have been repaired so as to conform to the inspection standards set forth in N.J.A.C. 13:20-33 and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 13:20-7.6(a), or 13:20-43.14(g), whichever is applicable. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety or emission-related defects, the motor vehicle shall be subject to a complete reinspection. Subsection

(r) sets forth the procedure to be followed by a licensed private inspection facility when a motor vehicle is presented for reinspection and fails to conform to the inspection standards set forth in N.J.A.C. 13:20-33 or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. Subsection (s) provides that if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to public safety has not been repaired, the licensed private inspection facility shall not issue a "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle. Subsection (t) provides that if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired so as to conform to the inspection standards set forth in N.J.A.C. 13:20-33 and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in N.J.A.C. 13:20-33 or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, the licensed private inspection facility shall remove the "48 hour" inspection rejection sticker previously affixed to the motor vehicle and shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof. The motor vehicle inspection report or inspection card shall be an indication that adjustments, corrections, or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5. Subsection (u) provides that charges for initial inspections, reinspections, and repairs shall be listed separately on the repair invoice. Subsection (v) provides that a licensed private inspection facility shall not require, as a condition of performing the initial inspection, that any repairs be performed at the private inspection facility performing the inspection. Subsection (w) provides that repairs shall not be performed on a motor vehicle at the licensed private inspection facility where the motor vehicle was inspected unless the customer signs a written acknowledgement and waiver that he or she understands his or her right to have the repairs performed elsewhere and expressly waives his or her rights. Subsection (x) provides that any motor vehicle presented for initial inspection shall undergo a complete inspection, and that once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. The subsection further provides that an inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection. Subsection (y) provides that licensed private inspection facilities shall not be authorized to issue certificates of waiver. Certificates of waiver shall only be issued by official inspection facilities in accordance with N.J.A.C. 13:20-32.2 for motor vehicles which satisfy all of the requirements of N.J.A.C. 13:20-43.13. Subsection (z) provides that a licensed private inspection facility shall not issue a replacement inspection certificate of approval or certificate of waiver for any motor vehicle for which the current inspection certificate of approval or certificate of waiver has been lost, stolen, destroyed, or defaced, or for any motor vehicle which has had its windshield replaced. Such a replacement inspection certificate of approval or certificate of waiver shall only be issued by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(q).

N.J.A.C. 13:20-33.3 through 33.71 set forth specific inspection standards and test procedures with regard to the following items: credentials; license plates; steering and suspension; front parking lights; glazing; obstruction to driver's vision; horn; windshield wipers; clearance lights; turn signals

and hazard warning signals; reflectors; identification lights; side-marker lights; taillights and license plate light; stoplights; wheels; tires; exhaust system; emission test(s); emission test equipment calibration; headlights; rear view mirrors; miscellaneous lights; wiring and switching; headlight beam indicator light; turn signal and hazard warning signal indicator lights; antenna; body; bumpers; doors; fenders and fender flaps; fuel system; hood; lettering; ornaments; pedals; racks or carriers; reflective tape; seats; seat belts; gear shift indicator; transmission; television; trunk lid; service brakes (including service brake equalization and service brake pedal reserve); parking brake; speed recording instrument (speedometer) and mileage recording instrument (odometer); motorcycle credentials; motorcycle license plate; motorcycle frame, wheels, steering, handlebars, and suspension; motorcycle windscreen, glazing, and obstruction to driver's vision; motorcycle horn; motorcycle windshield wipers; motorcycle clearance lights; motorcycle taillight, reflector, and license plate light; motorcycle stoplight; motorcycle tires; motorcycle exhaust system; motorcycle headlights; motorcycle rear view mirrors; motorcycle miscellaneous lights; motorcycle wiring, switching, and electrical equipment; motorcycle headlight beam indicator light; motorcycle miscellaneous items; motorcycle service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); motorcycle helmets; motorcycle goggles or face shields; motorcycle seats; and motorcycle foot rests.

Various rules contained in N.J.A.C. 13:20-43, which pertain to the enhanced motor vehicle inspection and maintenance program, are proposed for amendment.

N.J.A.C. 13:20-43.1, which contains the definitions applicable to the subchapter, is proposed for amendment. The definitions of "certificate of approval," "certificate of waiver," "collector motor vehicle," "emission control system," "gross vehicle weight rating," "official inspection facility," and "private inspection facility" are proposed for amendment; the terms "primary emission control component" and "working order" are proposed for deletion; and definitions of the terms "bi-fueled," "low utilization modified performance vehicle," and "State specialty inspection facility" are proposed for addition.

N.J.A.C. 13:20-43.2 is proposed for amendment with regard to vehicles which are exempt from the enhanced inspection and maintenance program. Subsections (b)5 and (b)6 as proposed for amendment delete references to "registered pursuant to N.J.S.A. 39:3-24." Subsection (b)9 as proposed for amendment exempts from inspection diesel-fueled motor vehicles, other than omnibuses and school buses, having a GVWR of "10,000 pounds or more" (changed from "more than 8,500 pounds") that are required to be inspected by the owner "or lessee" of the vehicle "in accordance with N.J.A.C. 13:20-26." Subsection (b)10 as proposed for amendment exempts from inspection omnibuses having a seating capacity of "10 passengers or more" (changed from "16 passengers or more") and which are subject to inspection by the "Division's Commercial Bus Inspection and Investigation Unit" (changed from the "New Jersey Department of Transportation"). Subsection (c) as proposed for amendment provides that a motor vehicle with elevated chassis height which is subject to inspection in accordance with N.J.A.C. 13:20-37 shall not qualify for designation as a "collector motor vehicle." Subsection (d) as proposed for amendment provides that a motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "collector motor vehicle." A new subsection (f), which is proposed for addition, provides that the Director or his or her designee shall remove the previous "collector motor vehicle" windshield sticker, if any, of a motor vehicle which is denied designation as a "collector motor vehicle" in accordance with N.J.A.C. 13:20-43.2. A motor vehicle that is denied designation as a "collector motor vehicle" shall not be eligible for such designation for one inspection

cycle. Subsections (f) and (g) are proposed for recodification as subsections (g) and (h), respectively.

A new subsection (i), which is proposed for addition, provides that to qualify for designation as a "low utilization modified performance vehicle" a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period and the owner or lessee of a motor vehicle shall submit a certification in the form specified by the Division to the effect that the motor vehicle's emission control apparatus conforms to the standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. A new subsection (j), which is proposed for addition, provides that the Director or his or her designee shall verify the odometer reading of a "low utilization modified performance vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low utilization modified performance vehicle." A new subsection (k), which is proposed for addition, provides that a motor vehicle which is denied designation as a "low utilization modified performance vehicle" shall not be eligible for such designation for one inspection cycle. A new subsection (l), which is proposed for addition, provides that to qualify for designation as a "low mileage vehicle" a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period. A new subsection (m), which is proposed for addition, provides that the Director or his or her designee shall verify the odometer reading of a "low mileage vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low mileage vehicle." A new subsection (n), which is proposed for addition, provides that a motor vehicle which is denied designation as a "low mileage vehicle" shall not be eligible for such designation for one inspection cycle.

N.J.A.C. 13:20-43.3 as proposed for amendment provides that a motor vehicle subject to inspection shall have the inspection performed at "an official inspection facility" (changed from "an official inspection facility operated by, or under contract with, the Division"), a private inspection facility licensed by the Division, "or a State specialty inspection facility operated by the Division, in accordance with N.J.A.C. 13:20-7.3."

Subsection (a) of N.J.A.C. 13:20-43.4, as proposed for amendment, eliminates the requirement that Federal installations and government agencies in this State provide to the Division a report of motor vehicles operated on the Federal installation or maintained as part of the Federal fleet in this State. The existing subsection (b), which is proposed for repeal, provided for a per vehicle inspection fee for the inspection of Federal motor vehicles pursuant to N.J.A.C. 13:20-43.4.

A new subsection (b), which is proposed for addition, provides that motor vehicles which are inspected pursuant to N.J.A.C. 13:20-43.4 (that is, motor vehicles that are operated on Federal installations located in New Jersey and motor vehicles operated by Federal governmental agencies in New Jersey) shall be inspected by a Class I or Class II private inspection facility licensed by the Division. Subsection (c), as proposed for amendment, provides that "a Class I licensed private inspection facility" (changed from "the Division") shall provide to the operator of a motor vehicle which is presented for inspection pursuant to N.J.A.C. 13:20-43.4 a report of such inspection. The subsection is further proposed for amendment to conform the rule to accurately set forth the information which will be included on the inspection report.

Subsection (a) of N.J.A.C. 13:20-43.5 is proposed for amendment with regard to two citations to Department of Environmental Protection regulations. The existing subsection (b), which is proposed for repeal, provided for an inspection application procedure and a per vehicle inspection fee for the inspection of motor vehicles registered in other states pursuant to N.J.A.C. 13:20-43.5.

A new subsection (b), which is proposed for addition, provides that motor vehicles registered in

other states which are inspected in this State pursuant to N.J.A.C. 13:20-43.5 shall be inspected by a Class I or Class II private inspection facility licensed by the Division. Subsection (c), as proposed for amendment, provides that "a Class I licensed private inspection facility" (changed from "the Division") shall provide to the operator of a motor vehicle registered in another state which is presented for inspection in this State a report of such inspection. Subsection (d) is proposed for amendment to conform the rule to accurately set forth the information which will be included on the inspection report.

N.J.A.C. 13:20-43.6, which pertains to fleet motor vehicles, is proposed for amendment to provide that a fleet vehicle shall be inspected at an official inspection facility or by a "Class I or Class II" licensed private inspection facility. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Division as a "Class II" private inspection facility in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-44.

N.J.A.C. 13:20-43.7, which pertains to test frequency, is proposed for amendment so as to conform the rule to the procedure regarding the issuance of temporary authorization certificates to the owner or lessee of a motor vehicle previously registered in a foreign jurisdiction as set forth at N.J.A.C. 13:20-7.4(a).

N.J.A.C. 13:20-43.8, which pertains to tests for emissions, is proposed for amendment. Subsection (a) as proposed for amendment adds "bi-fueled" motor vehicles with model years 1981 and later having a gross vehicle weight rating of 8,500 pounds or less as a category of motor vehicle which is subject to a loaded-mode (dynamometer-based) test. Subsection (a) is also proposed for amendment to include "low utilization modified performance vehicle[s]" and motor vehicles which are equipped with "non-disengagable traction control" within the category of motor vehicles which are excepted from the loaded-mode (dynamometer-based) emission test. Subsection (a) is also proposed for amendment to correct two citations to Department of Environmental Protection regulations contained therein and to insert an additional DEP regulatory citation. Subsection (b) as proposed for amendment adds "bi-fueled" motor vehicles with model years 1980 and earlier, and "bi-fueled" motor vehicles having a gross vehicle weight rating greater than 8,500 pounds, as categories of motor vehicles which are subject to an idle emission test. Subsection (b) is also proposed for amendment to correct three citations to Department of Environmental Protection regulations contained therein. Subsection (b) as proposed for amendment adds motor vehicles originally manufactured with a particular design characteristic which, in the discretion of the Director, makes it either impractical or hazardous to conduct a 2,500 RPM idle emission test, as a category of motor vehicle which is subject to an idle emission test. Subsection (b) is also proposed for amendment to provide that a 2,500 RPM idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and "7:27B-4.5" (changed from "7:27B-4.5(b)") "on all low utilization modified performance vehicles with model years 1981 and later" and "on motor vehicles with model years 1981 and later which are equipped with non-disengagable traction control." Subsection (c) as proposed for amendment adds post-1980 model year light-duty "bi-fueled" motor vehicles and light-duty "bi-fueled" trucks as categories of motor vehicles which are subject to an evaporative system purge test. Subsection (c) is also proposed for amendment to provide that an evaporative system purge test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 on the categories of motor vehicles set forth in the subsection unless a "motor vehicle was originally manufactured with a" particular design characteristic which makes it impractical to administer such test. Subsection (c) is also proposed for amendment to add that implementation of the evaporative system purge test required by this subsection shall be contingent upon the development of a Federal EPA methodology for

conducting such test. Subsection (d) of the rule as proposed for amendment adds post-1980 model year light-duty "bi-fueled" motor vehicles and light-duty "bi-fueled" trucks as categories of motor vehicles which are subject to an evaporative system integrity (pressure) test. Subsection (d) is also proposed for amendment to provide that an evaporative system integrity (pressure) test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 on the categories of motor vehicles set forth in the subsection unless a "motor vehicle was originally manufactured with a" particular design characteristic which makes it impractical to administer such test. Subsection (d) is also proposed for amendment to correct a citation to a Department of Environmental Protection regulation contained therein. Subsection (e) as proposed for amendment adds light-duty "bi-fueled" motor vehicles and light-duty "bi-fueled" trucks as categories of motor vehicles which are subject to an inspection for the presence of the catalytic converter. Subsection (e) is also proposed for amendment to provide that such an inspection shall be conducted on the categories of motor vehicles set forth in the subsection which were manufactured with a catalytic converter as original equipment "or which were retrofitted with a catalytic converter." Subsection (e) is also proposed for amendment to provide that if it is found that the catalytic converter is modified or improperly connected, or "is not certified in accordance with EPA procedures, or is not of a type which was part of the original certified configuration for the motor vehicle," the motor vehicle shall fail inspection. A new subsection (f), which is proposed for addition, provides that a visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1. A new subsection (g), which is proposed for addition, provides that the Director, as required by 40 CFR 51.353(c)(3) to evaluate the effectiveness of the enhanced inspection and maintenance program, may require a motor vehicle which has been presented for an initial inspection to undergo an alternate emission inspection by his or her designee. The provision previously codified at subsection (f) has been proposed for recodification as subsection (h) and is proposed for amendment to provide that, "with regard to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 and motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5, the safety equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust system." The provision previously codified at subsection (g) has been proposed for recodification as subsection (i) and is proposed for amendment to add that a motor vehicle credential examination "shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5."

N.J.A.C. 13:20-43.10, which pertains to reinspections of motor vehicles which have failed inspection, is proposed for amendment. The proposed amendments set forth the period of time within which a repaired motor vehicle shall be reinspected. The proposed amendments set the period of time as that set forth in N.J.A.C. 13:20-7.5 (that is, no later than the last day of the calendar month following the calendar month in which the motor vehicle was due for inspection), N.J.A.C. 13:20-7.6(a) (that is, within 48 hours), or N.J.A.C. 13:20-43.14(g) (that is, within 30 days of the date of the on-road inspection rejection), whichever is applicable. The proposed amendments also provide that the "owner or lessee who had a registered motor vehicle emission repair facility perform emission-related repairs" (changed from simply the "operator") shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, the pre-inspection repair form (if applicable), which has/have been completed by such registered motor vehicle emission repair facility and invoice(s) issued by such registered motor vehicle emission repair facility. In addition to adding "invoice(s)" to the documents which the owner or lessee must present at reinspection, the

proposed amendments provide that the pre-inspection repair form and the inspection report and inspection report supplement, if issued, shall be presented at the time of reinspection. The current provision provides that the inspection report and inspection report supplement, if issued, or the pre-inspection repair form shall be presented at the time of reinspection. The proposed amendments also qualify the term "nationally recognized certification" by inserting thereafter the words "for emission-related diagnosis and repairs". The proposed amendments provide that the owner or lessee possessing such certification who performed the emission-related repairs "on a motor vehicle that failed the emission inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee." The remainder of the proposed amendments are technical in nature and are intended, in part, to separately identify the documents that must be provided at the time of reinspection by those owners or lessees who have had emission-related repairs performed at registered motor vehicle emission repair facilities and those owners or lessees possessing nationally recognized certification who have performed the emission-related repairs themselves.

N.J.A.C. 13:20-43.11, which pertains to inspection certificates of approval and inspection rejection stickers, is proposed for amendment to conform the rule to the procedure regarding the issuance of inspection certificates of approval and inspection rejection stickers as set forth at N.J.A.C. 13:20-32.2 and 13:20-33.2, respectively.

N.J.A.C. 13:20-43.12, which pertains to inspection extensions, is proposed for amendment. Subsections (a) and (b) as proposed for amendment provide that inspection extensions, issued for a motor vehicle registered in New Jersey which is temporarily located outside of the State and thus cannot be presented for inspection in this State in a timely manner, shall be valid from its effective date to "14 days" (changed from "30 days") from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid "beyond the expiration of the two year inspection cycle established for the motor vehicle" (changed from "for more than two years from its effective date") except as otherwise provided in the respective subsections with regard to motor vehicle owners or lessees who are on "active military duty" or "attending college or graduate school" in another state or region. Proposed new language in subsection (a) provides as a prerequisite to the issuance of an inspection extension that an "owner or lessee who is on active military duty or is attending college or graduate school in a state or region that has an enhanced I/M program" must present "continuing proof that the motor vehicle has been presented for inspection in another state's enhanced I/M program". A new subsection (c), which is proposed for addition, provides that the owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection or reinspection prior to the date by which the motor vehicle must be presented for such inspection or reinspection due to the ill health of the motor vehicle owner or lessee, or for other good cause, shall notify the Division of such circumstance. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected or reinspected; provided, however, that such an extension shall not be granted for a motor vehicle which has failed inspection and requires repairs pursuant to N.J.A.C. 13:20-7.6. The inspection extension shall be valid until such date as specified by the Director or his or her designee, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle. A new subsection (d), which is proposed for addition, provides that the owner or lessee of a motor vehicle registered in New Jersey which has failed inspection and requires repairs, other than repairs required to be made pursuant to N.J.A.C. 13:20-7.6, which cannot be completed prior to the

date by which the motor vehicle must be presented for reinspection due to the nature of the repairs which are required, shall notify the Division of the date upon which the repairs to the motor vehicle shall be completed. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle reinspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the repairs to the motor vehicle have been completed, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle.

N.J.A.C. 13:20-43.13, which pertains to inspection waivers, is proposed for amendment to correct a citation to a Department of Environmental Protection regulation contained therein at subsection (a)2. Subsection (a)3, which sets forth that a motor vehicle must pass a safety inspection as one of the prerequisites to the issuance of a certificate of waiver for such motor vehicle, is proposed for amendment to include citations to the Division's proposed new rules at N.J.A.C. 13:20-32 and 13:20-33. Subsection (a)6, which pertains to emission-related waiver repairs, is proposed for amendment to delete a reference to emission-related repairs of "primary emission control components" and substitute in its place references to emission-related repairs of "the emission control system" and "an emission-related repair process." Subsection (a)8, which sets forth the applicable amount which a motor vehicle owner or lessee must spend for emission-related repairs as one of the prerequisites to the issuance of a certificate of waiver for such motor vehicle, is proposed for amendment. Subsection (a)8 as proposed for amendment provides that prior to "January 1, 2002" (changed from "January 1, 2000"), the owner or lessee must expend no less than the applicable amount specified at 40 C.F.R. §51.360(a)(6) (that is, \$200.00) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage. Subsection (a)8 as proposed for amendment also provides that beginning on "January 1, 2002" (changed from "January 1, 2000"), the owner or lessee must expend no less than the amount specified at 40 C.F.R. §51.360(a)(7) (that is, \$450.00 plus CPI) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage.

N.J.A.C. 13:20-43.14, which pertains to on-road inspection, is proposed for amendment. Subsection (e) as proposed for amendment supplements the criteria for selecting motor vehicles for on-road safety and emission inspection by inserting references to missing or expired certificates of waiver in paragraphs 2 and 3, respectively, by amending paragraph 4 to include any indication that a motor vehicle has failed inspection and has not been presented for reinspection in a timely manner, and by amending paragraph 5 and inserting a new paragraph 6 to include motor vehicles with a missing or expired registration plate decal(s). Subsection (g) as proposed for amendment conforms a citation to a Division regulation contained therein which has been proposed for recodification. Subsection (g) as proposed for amendment provides that the owner or lessee of a motor vehicle which has failed an on-road inspection shall have the necessary repairs made and present the motor vehicle for "reinspection" (changed from "a complete reinspection") within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).

N.J.A.C. 13:20-43.15, which pertains to recall compliance procedures, is proposed for amendment. Subsection (g) as proposed for amendment provides that the Division shall deny the issuance or renewal of the registration of a motor vehicle and shall suspend the registration of a motor vehicle if the owner or lessee has not filed or caused to be filed with the Division "within six months of the written notice provided under (d) above" proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer. Subsection (h) as proposed for amendment

provides that the denial of the registration shall be effective on the first day following the expiration date of the motor vehicle's registration. The suspension of the registration shall be effective on the date specified by the Division in an order of suspension issued to the owner "or lessee." The Division shall not suspend a motor vehicle registration pursuant to this section if the owner "or lessee" has surrendered to the Division the registration certificate and registration plates issued thereto or has presented or caused the motor vehicle "to be presented to the manufacturer or authorized dealer for emission-related recall repairs and files or causes to be filed with the Division proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer." Proposed for deletion from subsection (h)2 is a provision which provides that the Division would refrain from refusing to renew a motor vehicle registration if the notice of unresolved recall was mailed or given to the owner or lessee of the vehicle in the six month period immediately preceding the expiration date of the motor vehicle's registration. N.J.A.C. 13:20-43.16, which pertains to motor vehicle registration denial and suspension for inspection noncompliance, is proposed for amendment. Subsections (a) and (b) are proposed for amendment to exclude motorcycles from being subject to the registration denial and suspension procedures set forth in the rule. Subsections (a) and (b) are also proposed for amendment to provide that the Division shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for inspection or reinspection in a timely manner. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for inspection or reinspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for inspection or reinspection shall cause the registration for the motor vehicle to be suspended. The Division shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for inspection or reinspection in accordance with the notice of scheduled registration suspension. Subsection (d), which is proposed for addition, provides for the issuance of a notice of conditional registration restoration by the Division to a motor vehicle owner or lessee who has applied for the restoration of a motor vehicle registration which has been denied or suspended pursuant to N.J.A.C. 13:20-43.16. The conditional registration restoration authorizes the operation of a motor vehicle for purposes of travel to or from an inspection or repair facility as set forth in the rule. Subsection (e), which is proposed for addition, provides that the notice of conditional registration restoration shall be valid for a period not to exceed 14 days, and further provides that the registration suspension shall be reinstated if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle prior to the expiration of the notice of conditional registration restoration. Subsection (f), which is proposed for addition, provides for the issuance of a conditional registration certificate by the Division to the purchaser of a used motor vehicle for which the registration thereof had been denied or suspended pursuant to N.J.A.C. 13:20-43.16 prior to the date of sale. The conditional registration authorizes the operation of a motor vehicle for purposes of travel from the place of purchase to the purchaser's residence or place of business, and to or from an inspection or repair facility as set forth in the rule. Subsection (g), which is proposed for addition, provides that the conditional registration certificate shall be valid from the date of its issuance, and further provides that the conditional registration certificate shall be suspended if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle within 14 days of the issuance of the conditional registration certificate. Subsection (h), which is proposed for addition, provides that a motor vehicle owner or lessee whose motor vehicle registration has been denied or suspended pursuant to N.J.A.C. 13:20-43.16 shall not operate or permit the operation of such motor vehicle

during the period of such denial or suspension. A person who operates or permits the operation of a motor vehicle during a period of denial or suspension shall be subject to the penalties set forth in N.J.S.A. 39:3-4, 39:3-40, and 39:5-35.

Various rules contained in N.J.A.C. 13:20-44, which pertain to private inspection facility licensing, are proposed for amendment.

N.J.A.C. 13:20-44.1(b), which pertains to the purpose of the subchapter, is proposed for amendment by the proposed addition of a reference to N.J.A.C. 13:20-33, which sets forth the inspection standards and test procedures to be used by licensed private inspection facilities. Two citations to Department of Environmental Protection regulations in the subsection are also proposed for amendment.

N.J.A.C. 13:20-44.2, which contains the definitions applicable to the subchapter, is proposed for amendment. The definitions of "emission control system," "gross vehicle weight rating" and "motor vehicle emission testing equipment" are proposed for amendment; and definitions of the terms "bi-fueled" and "jitney" are proposed for addition.

N.J.A.C. 13:20-44.3 is proposed for amendment with regard to the categories of motor vehicles which private inspection facilities may be licensed to inspect, and to establish private inspection facility license classes. Subsection (c) is proposed for amendment to add "bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, motorcycles, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), and jitneys" to the categories of motor vehicles which may be inspected by a licensed private inspection facility.

Subsection (c) is further proposed for amendment to delete "motor vehicles which are operated by handicapped persons and which have been modified so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped, or reconstructed vehicles" as categories of motor vehicles that cannot be inspected by a licensed private inspection facility. Subsection (d) is proposed for amendment to provide that "Class I and Class II" licensed private inspection facilities shall provide inspection, reinspection and certification services in all motor vehicle inspection categories, other than motorcycle inspection categories, established by the Division. "Credentials" are also proposed for addition as an inspection category. Subsection (e), which is proposed for addition, provides that "Class III" licensed private inspection facilities shall provide inspection, reinspection and certification services in all motorcycle inspection categories established by the Division. The subsection specifies the inspection categories applicable to Class III licensed private inspection facilities. The provision previously codified at subsection (e) has been proposed for recodification as subsection (f) and proposed for amendment to provide that a motor vehicle credential examination shall not apply to "Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5." The provision previously codified at subsection (f) is proposed for deletion.

Subsection (g) is proposed for amendment to establish classes of private inspection facility licenses. Former language in the subsection which provided that "private inspection facilities shall be authorized to perform inspections, reinspections and certifications on vehicles owned or leased by the licensee" is proposed for deletion. The following is proposed for insertion in the subsection: "Private inspection facilities shall be licensed in the following classes: Class I licenses shall be issued to private inspection facilities to engage in the inspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, buses,

and jitneys. Class II licenses shall be issued to owners or lessees of fleets of 10 or more light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, or diesel-fueled trucks having a GVWR of less than 10,000 pounds to engage in the inspection and certification of such motor vehicles. Class III licenses shall be issued to private inspection facilities to engage in the inspection and certification of motorcycles."

N.J.A.C. 13:20-44.4, which pertains to the initial application for a private inspection facility license, is proposed for amendment. Subsection (a) is proposed for amendment to correct the mailing address of the Division's Private Inspection Facility Licensing Unit. Subsection (h) as proposed for amendment provides that each initial license issued to a private inspection facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until "June 30, 2000" (changed from "June 30, 1998") and shall, thereafter, be renewed on an annual basis, unless such license is suspended or revoked by the Director.

N.J.A.C. 13:20-44.6, which pertains to private inspection facility application and license fees, is proposed for amendment. Subsection (a) provides that each initial application for a private inspection facility license shall be accompanied by a nonrefundable application fee of \$20.00 payable to the Division. The following is proposed for addition: "In the event that an initial applicant simultaneously submits applications for a Class I and Class III private inspection facility license, only one application fee shall be payable to the Division pursuant to this subsection." Subsection (b) as proposed for amendment provides that each initial or renewal application for a "Class I or Class II" private inspection facility license shall be accompanied by a license fee of \$250.00 payable to the Division. A new subsection (c), which is proposed for addition, provides that each initial or renewal application for a Class III private inspection facility license shall be accompanied by a license fee of \$25.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or N.J.A.C. 13:20-44, or if the licensee voluntarily surrenders the license at any time during the license period.

N.J.A.C. 13:20-44.7, which pertains to private inspection facility license renewals, is proposed for amendment. Subsection (b) as proposed for amendment provides that each application to renew a private inspection facility license shall be accompanied by the applicable "license renewal fee(s)" (changed from "fee") specified in "N.J.A.C. 13:20-44.6" (changed from "N.J.A.C. 13:20-44.6(b)") and proof of liability insurance coverage as specified in N.J.A.C. 13:20-44.4(e).

N.J.A.C. 13:20-44.9, which pertains to facilities and equipment, is proposed for amendment. Subsection (b) as proposed for amendment provides that motor vehicle emission testing equipment, approved by the Department of Environmental Protection, shall be owned or leased by a "Class I or Class II licensed" private inspection facility and shall be located on the business premises of the facility. Subsection (c) as proposed for amendment provides that a vehicle lift or heavy duty floor jack shall be available on the business premises of "a Class I or Class II licensed private inspection" facility. Subsection (f) as proposed for amendment provides that electronic medium for retrieval of motor vehicle inspection information from, and for transmission of motor vehicle inspection information to, the Division's data base shall be available on the business premises of "a Class I or Class II licensed private inspection" facility.

N.J.A.C. 13:20-44.10, which pertains to inspection certificates of approval, is proposed for amendment. Subsection (a) as proposed for amendment provides that the inspection certificate of

approval "issued for motor vehicles, other than motorcycles," shall be composed of a base inspection sticker "and insert" indicating "respectively" the year and "month of expiration of the certificate of approval" (changed from the "calendar year of its validity"). "The insert" shall contain a bar-coded identifier linked to the "motor" vehicle. "The inspection certificate of approval issued for motorcycles shall be composed of a one-piece sticker indicating the year and month of expiration of the certificate of approval." Subsection (b) as proposed for amendment provides that base inspection stickers "for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles" shall be purchased by a licensee, by mail or in person, from the "Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a)." The proposed amendment also deletes an address previously specified in the subsection. Subsection (c) as proposed for amendment provides that base inspection stickers "for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles" shall be purchased by a private inspection facility licensee from the Division at \$1.00 per sticker in quantities of "25 or more" (changed from "50 or more").

Subsection (d) as proposed for amendment provides that a licensee shall secure base inspection stickers "for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles" in a locked place of limited access, such as a safe, cabinet, or desk drawer. The licensee is solely responsible for the security of base inspection stickers "for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles." A licensee's failure to take necessary precautions to secure base inspection stickers "for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles" from loss or theft shall be cause for suspension or revocation of the license. Subsection (e) as proposed for amendment provides that a licensee shall affix "an inspection certificate of approval" (changed from "base inspection stickers") to a "motor" vehicle only after inspection or reinspection has been "successfully" completed. Subsection (g) as proposed for amendment provides that a "Class I or Class II licensed private inspection facility" (changed from "licensee") shall not certify the emissions of any motor vehicle unless an emission inspector licensed by the Division has personally performed the emission inspection "or reinspection" and has determined that the "motor" vehicle meets the emission standards adopted by the Division and the Department of Environmental Protection. The rule as proposed for amendment also provides that "a Class I or Class II licensed private inspection facility" (changed from "licensee") shall not certify the emissions of any "motor" vehicle "which has been rejected because of an emission test failure" unless a certified emission repair technician "or the owner or lessee of the motor vehicle" has performed the emission-related repairs. References to "after July 1, 1998" and "other than repairs of the primary emission control components" are proposed for deletion from the subsection. Subsection (h) as proposed for amendment provides that a licensee shall secure motor vehicle inspection reports separate and apart from base inspection stickers "for motor vehicles other than motorcycles," and that a licensee "shall secure motorcycle inspection cards separate and apart from inspection certificates of approval for motorcycles," in a locked place of limited access, such as a safe, cabinet, or desk drawer. Subsection (i) as proposed for amendment provides that a licensee shall record the date of issuance of the inspection "certificate of approval" (changed from "base inspection sticker") on the corresponding motor vehicle inspection report "or motorcycle inspection card." Subsection (j) as proposed for amendment provides that a licensee shall retain defective or voided "inspection certificates of approval" (changed from "base inspection stickers"), motor vehicle inspection reports, "and motorcycle inspection cards" and shall surrender them to a Division representative at the time of a periodic audit conducted by the Division. Subsection (k) as proposed for amendment provides that a licensee shall notify the local law enforcement agency upon

determining that a base inspection sticker(s) "for a motor vehicle other than a motorcycle or a certificate(s) of approval for a motorcycle" has been stolen and shall file a copy of such report with the Division. Subsection (l) as proposed for amendment provides that a licensee shall return all unused base inspection stickers "for motor vehicles other than motorcycles, all unused certificates of approval for motorcycles, all unused motor vehicle" inspection reports, "and all unused motorcycle inspection cards" to a Division representative upon the licensee's discontinuation of inspection certification services. Subsection (m) as proposed for amendment provides that a licensee shall be solely responsible for base inspection stickers "for motor vehicles other than motorcycles, certificates of approval for motorcycles, motor vehicle" inspection reports, "and motorcycle inspection cards" issued to it by the Division.

N.J.A.C. 13:20-44.12, which pertains to notice and recordkeeping requirements, is proposed for amendment. Subsection (a) as proposed for amendment provides that each licensee, except "a Class II licensed private inspection facility" (changed from "a private fleet inspection facility"), shall display an outdoor sign which shall read: "Official New Jersey Private Inspection Facility" (changed from "Licensed: State of New Jersey Private Inspection Facility").

N.J.A.C. 13:20-44.13, which pertains to records and inspection reports, is proposed for amendment. Subsection (a) as proposed for amendment provides that a licensee shall maintain copies of motor vehicle inspection reports and "motorcycle inspection cards" in an order corresponding to the date on which the "inspection certificate of approval" (changed from "base inspection sticker") was issued. Subsection (b) is proposed for amendment to correct a Division of Consumer Affairs regulatory citation contained therein. Subsection (c) as proposed for amendment provides that a licensee shall record a repair order and invoice number or numbers on the motor vehicle inspection report "or motorcycle inspection card." Subsection (d) as proposed for amendment provides that records required to be maintained by a licensee pursuant to N.J.A.C. 13:20-44.13 shall remain on file at the licensee's place of business for a period of four years from the date of issuance of the "inspection certificate of approval" (changed from "base inspection sticker"). Technical amendments to subsections (e) and (f) are proposed, and subsection (f) is also proposed for amendment to correct a Division of Consumer Affairs regulatory citation contained therein.

N.J.A.C. 13:20-44.14, which pertains to certification of inspection, is proposed for amendment. Subsection (a) as proposed for amendment provides that each "Class I or Class II" licensed private inspection facility shall have the authority to perform inspections in all motor vehicle inspection categories established by the Division and to certify that specific items for which a motor vehicle was rejected at inspection have been corrected so that the motor vehicle is in "proper operating condition" (changed from "working order") and that it conforms to the "inspection standards" (changed from "emission standards") adopted by the Division and the Department of Environmental Protection. A new subsection (b), which is proposed for addition, provides that each Class III licensed private inspection facility shall have the authority to perform inspections in all motorcycle inspection categories established by the Division and to certify that specific items for which a motorcycle was rejected at inspection have been corrected so that the motorcycle is in proper operating condition. The provision previously codified at subsection (b) has been proposed for recodification as subsection (c) and proposed for amendment to provide that "a Class I or Class II licensed private inspection facility" shall not certify that items for which a motor vehicle was rejected at inspection have been corrected unless the licensee, or a licensed emission inspector "or mechanic" acting as an employee or agent of the licensee, has inspected the "motor" vehicle "in accordance with N.J.A.C. 13:20-33" and has determined that all defects detected at inspection have been corrected so that the motor vehicle is in "proper operating

condition" (changed from "working order") and that it conforms to the "inspection standards" (changed from "emission standards") adopted by the Division and the Department of Environmental Protection. A new subsection (d), which is proposed for addition, provides that a Class III licensed private inspection facility shall not certify that items for which a motorcycle was rejected at inspection have been corrected unless the licensee has inspected the motorcycle and has determined that all defects detected at inspection have been corrected so that the motorcycle is in proper operating condition and that it conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33. The provision previously codified at subsection (c) has been proposed for recodification as subsection (e) and proposed for amendment to provide that certification shall be evidenced by the affixation of a certificate of approval on a motor vehicle as specified in N.J.A.C. 13:20-43.11(a) "and 13:20-33.2(k), or by the affixation of a certificate of approval on a motorcycle as specified in N.J.A.C. 13:20-33.2(n)." The provision previously codified at subsection (d) has been proposed for recodification as subsection (f) and proposed for amendment to provide that certification of a "motor" vehicle by a "Class I or Class II licensed private inspection facility" (changed from "licensee") or an employee "thereof" shall constitute the licensee's representation that the licensee, or a licensed emission inspector "or mechanic," has inspected the "motor" vehicle "in accordance with N.J.A.C. 13:20-33" and has determined that the "motor" vehicle is in "proper operating condition" (changed from "working order") and conforms to the "inspection standards" (changed from "emission standards") adopted by the Division and the Department of Environmental Protection. A new subsection (g), which is proposed for addition, provides that certification of a motorcycle by a Class III licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee has inspected the motorcycle and has determined that the motorcycle is in proper operating condition and conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33. The provision previously codified at subsection (e) has been proposed for recodification as subsection (h) and proposed for amendment to provide that the fee which a licensee may charge the consumer for affixing a certificate of approval shall not exceed "\$2.50" (changed from "\$1.50"). The provision previously codified at subsection (f) has been proposed for recodification as subsection (i) and proposed for amendment to provide that the fee which a licensee may charge for "reinspection" (changed from "inspection") of items "for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles" rejected after inspection and which have been repaired by the "motor" vehicle owner or lessee or someone not under the direction of the licensee shall not exceed that portion of the licensee's established hourly labor charge for repair service as specified by the Director to be the average time required to "reinspect" (changed from "inspect") a particular item of equipment. A licensee shall inform the consumer in advance that the licensee's charge for such "reinspection" (changed from "inspection") shall not exceed that portion of the hourly labor rate. The provision previously codified at subsection (g) has been proposed for recodification as subsection (j) and proposed for amendment to provide that the schedule of inspection charges which must be displayed at the licensee's place of business and filed with the Division's Private Inspection Facility Licensing Unit "shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds."

N.J.A.C. 13:20-44.17 is proposed for amendment to correct Division of Consumer Affairs and Division of Motor Vehicles regulatory citations contained therein.

N.J.A.C. 13:20-44.18, which pertains to emission inspectors, is proposed for amendment. The rule as proposed for amendment provides that "a Class I or Class II licensed private inspection facility shall employ" an emission inspector "licensed" in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17. The rule is also proposed for amendment to delete a requirement that the [private inspection facility] licensee be a licensed emission inspector.

Various rules contained in N.J.A.C. 13:20-45, which pertain to motor vehicle emission repair facility registration, are proposed for amendment.

N.J.A.C. 13:20-45.1, which pertains to the purpose of the subchapter, is proposed for amendment. Subsection (a) as proposed for amendment provides that the purpose of the subchapter is to establish a system for the registration of motor vehicle emission repair facilities which perform emission repairs for compensation on gasoline-fueled "or bi-fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 which have failed an emission inspection so that the Division may track emission repairs for monitoring purposes and document emission repair costs for purposes of issuance of certificates of waiver pursuant to N.J.A.C. 13:20-43.13.

N.J.A.C. 13:20-45.4(a) is proposed for amendment to correct the mailing address of the Division's Motor Vehicle Emission Repair Facility Registration Unit. Subsection (f) as proposed for amendment provides that each initial registration issued to a motor vehicle emission repair facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until "December 31, 2000" (changed from "December 31, 1998") and shall, thereafter, be renewed on a biennial basis, unless such registration is suspended or revoked by the Director.

N.J.A.C. 13:20-45.7, which pertains to motor vehicle emission repair facility registration renewals, is proposed for amendment. Subsection (c) as proposed for amendment provides that upon approval of each renewal application, a registration shall be issued to the motor vehicle emission repair facility. Each renewal registration issued to a motor vehicle emission repair facility "on or after January 1 of any year shall continue in force and effect until December 31 of the following year, unless such registration is suspended or revoked by the Director" (changed from "after December 31, 1998 shall continue in force and effect for a period of two years unless such registration is suspended or revoked by the Director").

N.J.A.C. 13:20-45.10, which pertains to deceptive practices concerning emission-related repairs, is proposed for amendment to correct a Division of Consumer Affairs regulatory citation contained therein.

N.J.A.C. 13:20-45.14 is proposed for amendment to correct a Division of Consumer Affairs regulatory citation contained in subsection (b)l.

N.J.A.C. 13:20-45.16, which pertains to repair technicians, is proposed for amendment. Subsection (a) as proposed for amendment provides that the registrant or someone in his or her employment shall be certified as a repair technician. A reference to "on or after July 1, 1998" is proposed for deletion from the subsection. Subsection (b) as proposed for amendment provides that no emission repairs to gasoline-fueled "or bi-fueled" motor vehicles as defined in N.J.A.C. 13:20-43.1 may be performed for compensation of any kind by any person or facility unless the repairs are made by, or under the supervision of, a certified repair technician employed by the facility. A reference to "on or after July 1, 1998" is proposed for deletion from the subsection.

N.J.A.C. 13:21-5, which contains rules which are applicable to registrations, is supplemented by the proposed addition of a new rule at N.J.A.C. 13:21-5.12. The proposed new rule provides that upon issuance of each initial motor vehicle registration and each motor vehicle registration renewal by the Division of Motor Vehicles, a distinctive registration plate decal(s) shall also be issued by the

Division for affixation to the front and rear license plates of such motor vehicles to indicate the month and year of expiration of the motor vehicle registration. The proposed new rule also provides that it shall not apply to motor vehicles registered at no fee in accordance with N.J.S.A. 39:3-27.

N.J.A.C. 13:21-15, which contains rules which are applicable to New Jersey licensed motor vehicle dealers, is supplemented by the proposed addition of a new rule at N.J.A.C. 13:21-15.7. Subsection (a) provides that prior to entering into any agreement for the retail sale of a used passenger motor vehicle, a motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19 shall give written notice to the purchaser of a used passenger motor vehicle to be registered in this State of the dealer's responsibilities under N.J.S.A. 39:10-26 through 39:10-30, inclusive. Subsection (b) provides that in the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive, pursuant to N.J.S.A. 39:10-29, the dealer's obligation pursuant to N.J.S.A. 39:10-27, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Division of Motor Vehicles in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive. Subsection (c) provides that notwithstanding subsection (b) of the rule, the motor vehicle dealer and the purchaser of a used passenger motor vehicle to be registered in this State may mutually agree, in writing, that such used passenger motor vehicle must be presented for inspection at an official inspection facility or a licensed private inspection facility within a shorter period of time from the date of issuance of the temporary authorization certificate for the motor vehicle by the Division of Motor Vehicles than that set forth in subsection (b) of the rule in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive. Subsection (d) provides that a motor vehicle dealer who violates N.J.A.C. 13:21-15.7 may have his or her motor vehicle dealer's license suspended or revoked, or renewal thereof refused, by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 39:10-20.

Social Impact

This proposal will have a beneficial social impact in that it implements the public policy of this State as set forth in the "Federal Clean Air Mandate Compliance Act" (P.L. 1995, c. 112). The proposal is the latest in a series of Division rulemaking initiatives which implement a biennial enhanced I/M program in New Jersey that satisfies the requirements of the Federal Clean Air Act Amendments of 1990 and the standards for enhanced I/M programs adopted by the United States Environmental Protection Agency. The enhanced I/M program will reduce the emission of air contaminants from motor vehicles, thereby improving the air quality in this State and assisting the State in attaining national ambient air quality standards. A more detailed discussion of the social impact of the enhanced I/M program is contained in the Division's and Department of Environmental Protection's emergency rule adoptions and concurrent proposals which were published in the New Jersey Register on July 17, 1995 at 27 N.J.R. 2777(a) and 27 N.J.R. 2752(a), respectively.

The proposal reflects the October 1, 1998 implementation of a biennial inspection program in this State designed to reduce the number of motor vehicle inspections performed at official inspection facilities in order to permit such facilities to be retrofitted on an accelerated schedule so that the enhanced I/M program can be fully implemented in the latter part of 1999.

The proposal also establishes inspection standards and test procedures for motor vehicle safety equipment and references standards and test procedures for emission control systems as established by the Department of Environmental Protection to be used by official inspection facilities

and licensed private inspection facilities, respectively, when performing motor vehicle safety and emission inspections. The proposal will have a positive social impact in that owners and lessees of motor vehicles shall have uniform inspection standards and test procedures applied by facilities authorized to perform motor vehicle inspections. The proposal has no social impact upon the Division of Motor Vehicles.

Economic Impact

Implementation of an enhanced motor vehicle inspection and maintenance program will have an economic impact on the State. On August 7, 1998, the State Treasurer, pursuant to section 4 of P.L. 1995, c. 112 (N.J.S.A. 39:8-44), awarded a seven year \$400 million contract to a private company to implement and operate the test-only component of the enhanced I/M program in New Jersey. The State has sought Federal funding to provide for the implementation of the enhanced motor vehicle inspection and maintenance program. At this time, the Federal Highway Administration has agreed to provide a substantial amount of the funding required through Congestion Mitigation and Air Quality (CMAQ) improvement program funding, pursuant to 23 U.S.C. §149. There will be some State funding required to make up the difference. The private contractor is responsible for retrofitting existing motor vehicle test-only inspection lanes which were previously operated by the State in order to accommodate the emission test equipment necessary to conduct enhanced motor vehicle emission inspections; for the construction of additional motor vehicle test-only inspection lanes to conduct such enhanced emission inspections; and for the operation and staffing of such test-only inspection facilities.

The proposed amendments to the enhanced motor vehicle inspection and maintenance program rules will have an economic impact on owners and lessees of motor vehicles that are subject to an enhanced emission inspection, and private inspection facilities that are licensed by the Division in accordance with N.J.S.A. 39:8-45 and N.J.A.C. 13:20-44.

The proposal amends N.J.A.C. 13:20-43.13 which pertains to the issuance of certificates of waiver for motor vehicles which fail the enhanced (dynamometer-based) emission test after all qualifying emission-related repairs have been completed on such motor vehicles. The proposed amendment provides that prior to January 1, 2002 no less than the repair amount specified at 40 C.F.R. §1.360(a)(6) for basic I/M programs (that is, \$200.00) must be expended by the owner or lessee of a motor vehicle in order to qualify for the issuance of a certificate of waiver. The proposed amendment further provides that beginning January 1, 2002 no less than the repair amount specified at 40 C.F.R. §1.360(a)(7) for enhanced I/M programs (that is, \$450.00 plus CPI) must be expended by the owner or lessee of a motor vehicle in order to qualify for the issuance of a certificate of waiver. The current rule (N.J.A.C. 13:20-43.13(a)8) provides that the lower basic I/M repair amount would only be in effect until December 31, 1999 and the higher Federally-mandated repair amount would take effect on January 1, 2000. The proposal therefore mitigates the economic impact of the waiver program on the residents of this State by postponing by two years the date upon which the higher Federally-mandated repair amount for enhanced I/M programs will take effect in this State.

The proposal has an economic impact upon Class I and Class III licensed private inspection facilities and upon those persons who choose to have their motor vehicles inspected by such facilities. The proposed new rule at N.J.A.C. 13:20-33.2(d) provides that the fee which may be charged by a Class I licensed private inspection facility for an initial inspection shall not exceed the schedule of inspection charges displayed at the facility's place of business and on file with the Division of Motor Vehicles' Private Inspection Facility Licensing Unit. The proposed new rule at N.J.A.C. 13:20-

33.2(e) provides that the fee which may be charged by a Class III licensed private inspection facility for an initial inspection shall not exceed one-quarter (1/4) of the private inspection facility's hourly labor charge. The proposed new rule at N.J.A.C. 13:20-33.2(h) pertains to the fee which may be charged by a Class I or Class III licensed private inspection facility for a reinspection of a motor vehicle when the motor vehicle owner or lessee, or any other person authorized by the motor vehicle owner or lessee, has made repairs to the vehicle necessitated by the vehicle's previous failure to pass inspection. The rule provides that a private inspection facility may charge a fee for such reinspection service based on the facility's established hourly labor charge for repair services, but only that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items by Class I licensees as set forth in Appendices A and B to the rule; or that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items by Class III licensees as set forth in Appendix C to the rule.

N.J.A.C. 13:20-44.6(a), as amended by the proposal, provides that in the event that an initial private inspection facility license applicant simultaneously submits applications for a Class I and Class III private inspection facility license, only one \$20.00 application fee shall be payable to the Division of Motor Vehicles pursuant to the rule. N.J.A.C. 13:20-44.6(b), as amended by the proposal, provides that each initial application for a Class I or Class II private inspection facility license shall be accompanied by a license fee of \$250.00 payable to the Division of Motor Vehicles. N.J.A.C. 13:20-44.6(c), which is added by the proposal, provides that each initial or renewal application for a Class III private inspection facility license shall be accompanied by a license fee of \$25.00 payable to the Division of Motor Vehicles. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or N.J.A.C. 13:20-44, or if the licensee voluntarily surrenders the license at any time during the license period.

Subsection (e) of N.J.A.C. 13:20-44.14 is amended by the proposal and recodified as subsection (h) of the rule. As amended by the proposal, the rule provides that the fee which a private inspection facility licensee may charge the consumer for affixing an inspection certificate of approval to a motor vehicle which has passed inspection shall not exceed \$2.50.

Federal Standards Statement

In compliance with Executive Order No. 27 (1994), Requirement for Statement Concerning Federal Standards in State Agency Rulemaking, and P.L. 1995, c. 65, notice is hereby given with regard to this proposal, which is proposed pursuant to the "Federal Clean Air Mandate Compliance Act," P.L. 1995, c. 112, that this proposal, as measured against the effort by New Jersey to achieve a 100 percent compliance rate with the performance standard established pursuant to the Federal Clean Air Act Amendments of 1990 (42 U.S.C. §7401 et seq.) and the Federal regulations (40 CFR §51.350 et seq.) promulgated pursuant thereto by the United States Environmental Protection Agency (EPA), does not exceed the overall Federal standards or requirements.

The Federal EPA performance standard established reductions of specific mobile source pollutants that an area must achieve by its enhanced I/M program. These pollutants include volatile organic compounds (VOC) including hydrocarbons (HC), carbon monoxide (CO), and oxides of nitrogen including NO and NO₂ (NO_x).

Since each area's base pollution problem is somewhat unique as a starting point for achieving the goal of attainment of pollutant reductions, areas are encouraged to select program elements

geared toward resolving those particular pollution problems, and at the same time fit within their particular social and political frameworks. But those program elements are weighted, so that an effort to meet the performance standard requires areas, such as New Jersey, to select program elements of greater or lesser stringency so that the State's package, taken as a whole, will establish a program that meets the overall performance standard. The program elements reflected in the proposal are aimed at meeting, without exceeding, the Federal performance standard.

A more detailed analysis of Federal standards and requirements is contained in the Division's and the Department of Environmental Protection's emergency rule adoptions and concurrent proposals which were published in the New Jersey Register on July 17, 1995 at 27 N.J.R. 2777(a) and 27 N.J.R. 2752(a), respectively. See also the Federal standards and requirements analysis contained in the Division's proposed amendments which were published in the New Jersey Register on May 6, 1996 at 28 N.J.R. 2334(a).

Federal inspection standards and procedures are set forth at 49 CFR §570.1 et seq. The inspection standards and test procedures established by this proposal at N.J.A.C. 13:20-32 and 13:20-33 do not exceed such Federal standards.

Federal law (49 U.S.C. §30111(a)) provides that the United States Secretary of Transportation shall prescribe motor vehicle safety standards. In accordance with that statute and its predecessor (15 U.S.C. §1392), the Secretary of Transportation has established safety standards for motor vehicles and motor vehicle equipment at 49 CFR §571.101 et seq. The rules contained in the proposal are, for the most part, consistent with the Federal regulations.

The proposed new rule at N.J.A.C. 13:20-32.68(a)3 provides that certification of a motorcycle shall be refused by an official inspection facility if the safety helmet in the possession of the motorcycle operator is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. Helmets manufactured with built-in reflectorization shall also have affixed thereto the reflectorized tape. The rule also provides, at paragraph 1 of subsection (a) of the rule, that an approved safety helmet shall be marked to meet Standard Z90.1 of the American National Standards Institute or Federal Motor Vehicle Safety Standard 218, along with the manufacturer's or distributor's trademark.

The proposed new rule at N.J.A.C. 13:20-33.68(a)3 provides that certification of a motorcycle shall be refused by a Class III licensed private inspection facility if the safety helmet in the possession of the motorcycle operator is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. Helmets manufactured with built-in reflectorization shall also have affixed thereto the reflectorized tape. The rule also provides, at paragraph 1 of subsection (a) of the rule, that an approved safety helmet shall be marked to meet Standard Z90.1 of the American National Standards Institute or Federal Motor Vehicle Safety Standard 218, along with the manufacturer's or distributor's trademark.

The two proposed rules mentioned above, N.J.A.C. 13:20-32.68(a)3 and 13:20-33.68(a)3, set forth a requirement which exceeds the standards for motorcycle helmets set forth in 49 CFR §571.218. The Federal motorcycle helmet standards have been made applicable to helmets used by motorcycle operators which are subject to inspection by official inspection facilities and licensed private inspection facilities pursuant to the proposed new rules at N.J.A.C. 13:20-32.68(a)1 and 13:20-33.68(a)1, respectively, but the Federal standard does not contain the reflectorization requirement set forth in the proposed new rules at N.J.A.C. 13:20-32.68(a)3 and 13:20-33.68(a)3,

respectively. However, N.J.S.A. 39:3-76.7, a New Jersey statute pertaining to motorcycle helmets which predates the enactment of the aforementioned Federal standard, sets forth a motorcycle helmet reflectorization requirement. Although the New Jersey Legislature has amended N.J.S.A. 39:3-76.7 twice since the adoption of 49 CFR §571.218, it has chosen not to delete the reflectorization provision contained in the statute. Accordingly, the Division has included a motorcycle operator's failure to possess a reflectorized protective helmet as a reason for which a motorcycle shall fail inspection because, although the cost to motorcycle operators to reflectorize a protective helmet to conform to the Division's above referenced inspection standards is relatively modest (it must be accomplished by means of reflectorized safety tape), the use of reflectorization may prevent accidents by assisting other motorists in the identification of motorcycle operators during nighttime hours. The Division perceives no rational basis upon which to impose less stringent protective helmet inspection standards on operators of motorcycles.

I, C. Richard Kamin, Director, Division of Motor Vehicles, certify that the above analysis permits the public to understand accurately and plainly the purposes and expected consequences of the proposal.

C. Richard Kamin, Director

Date

Jobs Impact

As noted in the Economic Impact Statement above, the State Treasurer has awarded a contract to a private company to operate the test-only component of the enhanced motor vehicle inspection and maintenance program in New Jersey. As a result thereof, some public sector job positions were eliminated because the existing centralized test-only motor vehicle inspection lanes are no longer operated by the State. However, the loss of public sector jobs has been mitigated to some extent in that the private contractor has hired some of the former State employees to staff the test-only motor vehicle inspection lanes which are now operated by such contractor. The Division anticipates that construction jobs will be created in that the private contractor is responsible for retrofitting existing motor vehicle test-only inspection lanes and for the construction of additional motor vehicle test-only inspection lanes to conduct enhanced motor vehicle emission inspections. The Division also anticipates that additional jobs may be created because the private contractor will be responsible for the operation and staffing of a greater number of test-only inspection lanes than were operated by the State under the preexisting non-enhanced motor vehicle inspection program. Implementation of an enhanced motor vehicle inspection and maintenance program in this State requires a greater number of test-only inspection lanes to insure public convenience because the enhanced emission test procedure is more sophisticated and of longer duration than the non-enhanced emission test previously performed.

Agriculture Industry Impact

The proposal will have no impact on the agriculture industry. Farm tractors and traction equipment, farm machinery, and farm implements are exempt from vehicle inspection. See N.J.A.C.

13:20-43.2(b)5 and 6, as amended by the proposal. See also the proposed new rule at N.J.A.C. 13:20-7.2(b)4 and 5.

Regulatory Flexibility Analysis

The proposal has been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Division estimates that many of the business entities affected by the proposal are small businesses as defined in the Act, including private inspection facilities and motor vehicle dealers.

Approximately 954 businesses have been fully licensed by the Division as private inspection facilities pursuant to N.J.A.C. 13:20-44. Approximately 515 businesses have been conditionally licensed by the Division as private inspection facilities pursuant to N.J.A.C. 13:20-44. Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposal imposes no additional reporting or recordkeeping requirements upon such businesses beyond those contained in existing rules. The proposed new rules at N.J.A.C. 13:20-33 set forth general provisions applicable to licensed private inspection facilities and establish inspection standards and test procedures to be utilized by licensed private inspection facilities when inspecting and certifying automobiles, trucks, buses, jitneys, and motorcycles for compliance with inspection standards. The proposal includes appendices to the proposed new rules at N.J.A.C. 13:20-33 which specify the reinspection fee which may be charged by a licensed private inspection facility when inspecting a motor vehicle which has had inspection repairs performed by the owner or lessee of the motor vehicle or any other person authorized by the motor vehicle owner or lessee.

Approximately 4,443 business entities are presently licensed as motor vehicle dealers in the State of New Jersey. Most of these businesses qualify as small businesses as defined in the Regulatory Flexibility Act. The proposed amendment of N.J.A.C. 13:20-28.6(b), and the deletion of subsections (c) and (d) of the rule, conform the rule to existing practice with regard to the inspection of new motor vehicles which have been purchased in this State and which have been inspected by a new motor vehicle dealer licensed in this State. N.J.A.C. 13:20-28.6(b), as amended, specifies that a new motor vehicle dealer inspection decal issued by a motor vehicle dealer licensed in this State for a new motor vehicle which it has inspected shall be valid for a period of two years.

The proposed new rule at N.J.A.C. 13:21-15.7(a) requires that a motor vehicle dealer, prior to entering into any agreement for the retail sale of a used passenger motor vehicle to be registered in this State, give written notice to a purchaser of the dealer's responsibilities pertaining to inspection repairs. The proposed new rule at N.J.A.C. 13:21-15.7(b) provides that in the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive the dealer's responsibilities pertaining to inspection repairs, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Division of Motor Vehicles in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive. The proposed new rule at N.J.A.C. 13:21-15.7(c) provides that the motor vehicle dealer and the purchaser of a used passenger motor vehicle to be registered in this State may mutually agree, in writing, that such used passenger motor vehicle must be presented for inspection within a shorter period of time than set forth in N.J.A.C. 13:21-15.7(b) in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive. The proposed new rule at N.J.A.C. 13:21-15.7(d) provides that a motor vehicle dealer who violates N.J.A.C. 13:21-15.7

may have his or her motor vehicle dealer's license suspended or revoked, or renewal thereof refused, by the Director of the Division of Motor Vehicles.

The proposal does not require small businesses to engage additional professional services nor does it necessitate capital or annual expenditures beyond those required by existing rules except with regard to N.J.A.C. 13:20-44.6(c), which is added by the proposal and which requires that each initial or renewal application for a Class III private inspection facility license shall be accompanied by a license fee of \$25.00 payable to the Division. The compliance requirements imposed upon private inspection facilities by the proposal are not viewed as overly burdensome in that the private inspection industry has been providing motor vehicle reinspection services in this State since 1975 when P.L. 1975, c. 156 was enacted into law and initial inspection services since 1983 when P.L. 1983, c. 236 was enacted into law. Inspection standards and test procedures have been accepted over time as standard industry practices. An exemption from the compliance requirements for small businesses licensed as private inspection facilities is not warranted since such an exemption would impair the statutory private inspection facility licensing requirement set forth at N.J.S.A. 39:8-45.

Likewise the compliance requirements imposed upon motor vehicle dealers are not viewed as overly burdensome in that motor vehicle dealers have been subjected to vehicle inspection repair responsibilities since 1971 when N.J.S.A. 39:10-26 through 39:10-30, inclusive, were enacted. It is not feasible to exempt small businesses licensed as motor vehicle dealers from this requirement since the consumer protection afforded by N.J.S.A. 39:10-26 through 39:10-30, inclusive, must be available to all persons who purchase used passenger motor vehicles which are to be registered in this State.

Full text of N.J.A.C. 13:20-32 and 13:20-33, which are proposed for repeal by this proposal, may be found in the New Jersey Administrative Code at N.J.A.C. 13:20-32 and 13:20-33, respectively.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

CHAPTER 20. ENFORCEMENT SERVICE

SUBCHAPTER 7. VEHICLE INSPECTION

13:20-7.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, N.J.A.C. 13:20-32 or 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-4 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department

of Environmental Protection pertaining to emission inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single or combination (articulated) vehicle.

"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c. 112.

"Private inspection facility" means any person, partnership, or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

13:20-7.2 Inspection of motor vehicles; test frequency; exempt vehicles

(a) Motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall be inspected on a biennial basis, except as otherwise provided by law or regulation.

(b) The following vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the inspection requirements of this subchapter:

1. Historic motor vehicles registered pursuant to N.J.S.A. 39:3-27.4;
2. Collector motor vehicles;
3. Motorized bicycles;
4. Farm tractors and traction equipment;
5. Farm machinery and implements;
6. Fire trucks having a GVWR of more than 8,500 pounds;
7. In-transit construction equipment registered pursuant to N.J.S.A. 39:4-30;
8. Diesel-fueled motor vehicles, other than omnibuses and school buses, having a GVWR of 10,000 pounds or more that are required to be inspected by the owner or lessee of the vehicle in accordance with N.J.A.C. 13:20-26;
9. Omnibuses having a seating capacity of 10 passengers or more and which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit; and
10. Tactical military vehicles operated on Federal installations within this State.

13:20-7.3 Inspection facilities

(a) Motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1 shall have the inspection performed at an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility, as provided in this section.

(b) Official inspection facilities shall perform inspections on automobiles, trucks, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles. Official inspection facilities shall not perform inspections on modified buses with a capacity of more than 15 passengers, school buses, buses which are subject to inspection by

the Division's Commercial Bus Inspection and Investigation Unit, jitneys as defined in N.J.A.C. 13:20-44.2, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) Licensed private inspection facilities shall perform inspections on automobiles, trucks, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), jitneys as defined in N.J.A.C. 13:20-44.2, and motorcycles. Licensed private inspection facilities shall not perform inspections on school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

(d) State specialty inspection facilities shall perform inspections on motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37, motor vehicles which are operated by handicapped persons and which have been modified at the direction of the New Jersey Department of Labor, Division of Vocational Rehabilitation Services so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, salvage motor vehicles which are subject to inspection in accordance with N.J.A.C. 13:21-22, modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, any motor vehicle which the Director may require to be presented for inspection for auditing purposes, and any motor vehicle which has failed inspection at an official inspection facility or a licensed private inspection facility which is presented for reinspection by the owner or lessee thereof because he or she disputes the inspection failure.

(e) Notwithstanding (d) above, following successful completion of inspection at a State specialty inspection facility, motor vehicles which are operated by handicapped persons and which have been modified at the direction of the New Jersey Department of Labor, Division of Vocational Rehabilitation Services so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped, reconstructed vehicles as defined in N.J.A.C. 13:20-44.2, and salvage motor vehicles which are subject to inspection in accordance with N.J.A.C. 13:21-22 shall thereafter be inspected at an official inspection facility or a licensed private inspection facility.

[13:20-7.4 Inspection period of passenger vehicles]

[The expiration of the windshield inspection sticker of each passenger vehicle shall be the last day of the month in which the vehicle registration expires. Each such vehicle shall be presented for inspection after registration has been renewed and prior to the expiration date shown on the windshield inspection sticker.]

13:20-7.4 Temporary authorization certificates; period of validity

(a) Whenever a motor vehicle, which has been previously registered other than on a temporary basis in a foreign jurisdiction, is initially registered in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor

vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(b) Whenever a new motor vehicle, which has been purchased in a foreign jurisdiction and temporarily registered therein, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(c) Whenever a used motor vehicle, which has been purchased in this or any other State and which has affixed thereto an unexpired New Jersey inspection certificate of approval or certificate of waiver, is initially registered by the purchaser in this State, the registrant thereof shall either:

1. Present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or

2. Present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility no later than the expiration date of the New Jersey inspection certificate of approval or certificate of waiver affixed to the motor vehicle. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(d) Whenever a used motor vehicle, which has been purchased in this or any other State and which does not have affixed thereto an unexpired New Jersey inspection certificate of approval or certificate of waiver, is initially registered by the purchaser in this State, the registrant thereof shall be issued a temporary authorization certificate. Such motor vehicle shall be presented for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.

(e) Whenever a used motor vehicle, which has been purchased in this State and which has affixed thereto a collector motor vehicle windshield sticker issued pursuant to N.J.A.C. 13:20-43.2(e), is initially registered by the purchaser in this State, the windshield sticker shall be deemed void and the registrant thereof shall be issued a temporary authorization certificate and shall either:

1. Present such motor vehicle for inspection at an official inspection facility or a licensed private inspection facility within 14 days of the date of issuance of the temporary authorization certificate if the registrant does not wish to retain the collector motor vehicle designation. The motor vehicle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation; or

2. Present such motor vehicle to the Director or his or her designee within 14 days of the date of issuance of the temporary authorization certificate and make application for designation as a collector motor vehicle in accordance with N.J.A.C. 13:20-43.2(c) through (h), inclusive.

[13:20-7.5 Temporary authorization certificate; form]

[(a) When a person registers a motor vehicle for the first time in New Jersey, whether new or used, and when a vehicle, new or used, is registered by a particular owner for the first time, the motor vehicle agent will issue to the registered owner a temporary authorization certificate.

(b) This certificate will be approximately postcard size, on postcard stock, and suitable for installing in the vehicle behind the windshield.

(c) It will read as follows:

STATE OF NEW JERSEY INSPECTION
DEPARTMENT OF LAW AND PUBLIC SAFETY NOTICE
DIVISION OF MOTOR VEHICLES

LICENSE PLATE NO. MAKE OF VEHICLE

THIS VEHICLE MUST BE INSPECTED WITHIN 14 DAYS OF

DISPLAY THIS NOTICE IN LOWER RIGHT HAND CORNER OF WINDSHIELD

By _____

[13:20-7.1] 13:20-7.5 Adjustments, corrections, or repairs

If **a motor vehicle** inspection[s] as required by N.J.S.A. 39:8-1 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such **motor** vehicle to have such adjustments, corrections, or repairs made and to present the **motor** vehicle for reinspection no later than the last day of the calendar month following the calendar month in which the **motor** vehicle was due for inspection, except as otherwise provided at N.J.A.C. [13:20-7.2] **13:20-7.6(a)**. However, if an on-road inspection required by N.J.S.A. 39:8-2 discloses the necessity of adjustments, corrections, or repairs, it shall be incumbent upon the owner or lessee of such **motor** vehicle to have such adjustments, corrections, or repairs made and to present the **motor** vehicle for reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. [13:20-7.2] **13:20-7.6(a)**.

[13:20-7.6 Inspection period]

(a) The motor vehicle agent will fill in the registration number, the date on which the validation ends and will stamp his facsimile signature.

(b) The agent will then advise the owner that he must report for inspection within 14 days from the date of registration.

(c) Upon reporting for inspection, the validation certificate will be collected by the examiner at the inspection station and the proper sticker will be affixed to the windshield of the vehicle; provided, however, that the vehicle passes all New Jersey inspection requirements.]

[13:20-7.2] 13:20-7.6 Immediate repairs

(a) When the nature of the [defects] **defect(s)** found **at a motor vehicle inspection** is such as [in the judgment of the inspecting authority] **to constitute a hazard to the public safety so as** to require immediate repairs **to such motor vehicle**, such repairs shall be made **and the motor vehicle presented for reinspection** within 48 hours.

(b) **A defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the following:**

1. **A motor vehicle with a rupture in the brake system;**
2. **A motor vehicle with a service brake pedal that does not stop the motor vehicle when fully depressed;**
3. **A motor vehicle on which all headlights are inoperative;**
4. **A motor vehicle on which all taillights are inoperative;**
5. **A motor vehicle on which all stoplights are inoperative;**
6. **A motor vehicle which has excessive looseness in its steering linkage wherein the steering wheel must make a complete revolution before there is a perceptible movement of the wheels;**
7. **A motor vehicle with a broken ball joint(s), tie rod(s), or pitman arm;**
8. **A motor vehicle with a broken suspension component wherein such condition interferes with the operation of the motor vehicle;**
9. **A motor vehicle with an exhaust leak and holes in the passenger compartment which permit exhaust gases to enter the passenger compartment;**
10. **A motor vehicle with any part of the exhaust system passing through the passenger compartment;**
11. **A motor vehicle with a fuel leak in any part of the fuel system;**
12. **A motor vehicle with a component of the fuel system which is in contact with a moving part of the motor vehicle;**
13. **A motor vehicle with a tire(s) wherein the ply or cord is exposed and delaminating;**
14. **A motor vehicle with a windshield which is so severely broken or shattered as to substantially impair the driver's vision; or**
15. **A motor vehicle with window glazing which is damaged so that sharp edges of glass are exposed.**

13:20-7.7 [Initial passenger vehicle inspection procedure] (Reserved)

[(a) When a passenger vehicle, registered for the first time, is presented for the initial inspection, the following procedures will apply:

1. The vehicle shall be inspected and a sticker, which corresponds to the expiration date of the registration, shall be affixed to the vehicle provided, however, that the vehicle passes all New Jersey inspection requirements.

2. If the registration certificate for the vehicle has six months or less to run before the expiration date, a certificate shall be issued to the owner or driver of the vehicle, at the Station completing the initial inspection.

3. Presentation of such a certificate at an Inspection Station shall normally waive lane reinspection when accompanied by the vehicle and its renewed registration.]

13:20-7.8 [Initial inspection certificate data] (Reserved)

[The certificate will be approximately post card size, on post card stock, and will read as follows:

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES

Instructions Covering Registrations Expiring Within Six Months

TO the operator of vehicle bearing License Plate No Your vehicle has been inspected and approved. The windshield sticker shows the month that your registration expires and your vehicle must be presented for a new inspection.

Immediately after you renew your registration, please return to the **EXIT** end of the inspection station with the vehicle and the renewed registration where upon presentation of this certificate a new sticker will be affixed without further lane inspection. Obvious defects or damage shall be cause for the Station Supervisor to cancel this certificate and require a full lane inspection. The new sticker will show the number of the month in which the vehicle is next due for inspection.

NEW STICKER NO. Raphael J. Marini
DATE ISSUED Director]

13:20-7.12 [Motor vehicle tires] (Reserved)

[(a) A tire shall be considered unsafe and shall be rejected for the following reasons:

1. Worn to the point where any part of the ply or cord is exposed (cracks, cuts, scuffs or snags deep enough to expose the cords or fabric are causes for rejection);

2. Any bump, bulge, knot or separation affecting the tire structure;

3. Any break repaired with a boot or patch;

4. Worn so that the tread wear indicators contact the road in any two adjacent major grooves, at three locations spaced approximately equally around the outside of the tire. Passenger car tires are constructed so that the tread wear indicators will not contact the road until the tread depth is less than 2/32 of an inch. It is also permissible to determine whether a passenger car tire has the minimum safe tread depth of 2/32 of an inch at the locations specified by using a tread depth gauge of a type calibrated in thirty-seconds of an inch and following the instructions furnished with such gauges.

(b) This provision shall take effect immediately.]

13:20-7.13 [Expired inspection certificates] (Reserved)

[(a) The Director of the Division of Motor Vehicles may authorize and issue letters of extension to registered owners of New Jersey vehicles who are unable to complete the required vehicle inspection prior to the expiration of the current inspection period for:

1. Vehicles which have been temporarily out-of-State and which are now returning to New Jersey;
2. Vehicles which have been stored and not operated;
3. Vehicles which need major repairs which repairs cannot be completed during inspection period;
4. Vehicles which are unable to be inspected within the time required due to the licensee's health;
5. Vehicles which, for any other reason deemed valid by the Director, are unable to be inspected within the required period of time.

(b) Such extension is not intended for the purpose of allowing the operation of unsafe vehicles. This letter will permit the vehicle to be operated to a repair facility for correction of any defects or to the inspection station, or in the case of a person whose vehicle has been temporarily out of this State, to allow such person sufficient time within which to have that vehicle inspected at a New Jersey facility.]

SUBCHAPTER 24. MOTORCYCLES

13:20-24.20 Inspection of motorcycles

(a) **Motorcycles shall be inspected pursuant to N.J.S.A. 39:8-1 on a biennial basis, except as otherwise provided by law or regulation.** Motorcycle [registrations] **inspection certificates of approval shall** expire on the last day of the months April through October [of the calendar year] **, inclusive.** [A motorcycle must be inspected prior to the expiration of the registration certificate issued for the motorcycle.] Any [such vehicle] **motorcycle** which is operated after the expiration of the [registration certificate and does not display a current] inspection [sticker will] **certificate of approval shall** be subject to enforcement action.

(b) [Motorcycles] **Except as otherwise provided at N.J.A.C. 13:20-28, the owner or lessee of a motorcycle**, new or used, registered in New Jersey for the first time [will] **shall** be issued **a** temporary authorization certificate[s]. [These vehicles are required to be inspected within 14 days of the date of issuance of the temporary authorization certificate.] **Such motorcycles which are registered during the calendar months April through October, inclusive, shall be presented for inspection within 14 days of the date of issuance of the temporary authorization certificate.** **Such motorcycles which are registered during the calendar months November through March, inclusive, shall be presented for inspection no later than the last day of the calendar month designated by the Director of the Division of Motor Vehicles for such inspection. The motorcycle shall thereafter be inspected on a biennial basis, except as otherwise provided by law or regulation.**

SUBCHAPTER 26. COMPLIANCE WITH DIESEL EMISSION STANDARDS AND EQUIPMENT, PERIODIC INSPECTION PROGRAM FOR DIESEL EMISSIONS, AND SELF-INSPECTION OF CERTAIN CLASSES OF MOTOR VEHICLES

13:20-26.16 [State] Biennial inspection [required; time for inspection] at an official inspection facility or a private inspection facility

[(a)] Notwithstanding, and in addition to any other provision or requirement of this [chapter] **subchapter**, all "vehicles" (except trailers, [semi-trailers] **semitrailers**, pole trailers [and], diesel trucks registered at a gross weight of 10,000 [lbs.] **pounds** or more and diesel truck tractors as defined in N.J.S.A. 39:1-1) shall be [required to be] inspected **pursuant to N.J.S.A. 39:8-1 on a biennial basis** at [State inspection stations or by examiners designated by the Director] **an official inspection facility or a licensed private inspection facility**.

[(b)] The expiration of the windshield inspection sticker of each vehicle shall be the last day of the month in which the vehicle registration expires. Each such vehicle shall be presented for inspection after registration has been renewed and prior to the expiration date shown on the windshield inspection sticker.]

SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES

13:20-28.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise. [(Note: Any other term used in this subchapter and not defined within this section shall have the meaning as defined in N.J.S.A. 39:1-1 et seq.)]

"Director" means the Director of the Division of Motor Vehicles in the Department of [Law and Public Safety] **Transportation**.

...

13:20-28.4 Manufacturers' new vehicle inspection procedure

(a) - (b) (No change.)

(c) Any new motorcycle dealer which inspects new motorcycles [under the provisions of] **pursuant to** this subchapter must be licensed as a [motorcycle reinspection center] **Class III private inspection facility** pursuant to N.J.A.C. [13:20-32.1 et seq.] **13:20-44**.

13:20-28.6 Decal; period of validity

(a) (No change.)

(b) Any new motor vehicle receiving a decal or other indication of successful inspection **pursuant to this subchapter** shall next be inspected [one year] **not later than two years** from the [date of initial registration of that vehicle] **last day of the calendar month in which the vehicle was inspected by the new motor vehicle dealer, and the decal or other indication of successful inspection affixed to the vehicle by the new motor vehicle dealer shall so indicate**.

[(c)] In the event that the ultimate purchaser of any new motor vehicle transfers registration from a previously owned vehicle registered in his name to a new motor vehicle, the new motor vehicle

dealer shall affix a decal or other indication of inspection to such vehicle, which shall indicate that such vehicle shall next be inspected at the conclusion of the period represented by the unexpired period of time of the transferred registration plus one year.

(d) In the event that the ultimate purchaser of any new motor vehicle registers that vehicle with a fixed registration expiration date, the dealer shall affix a decal or other indication of inspection to such vehicle, which shall indicate that such vehicle shall next be inspected at the conclusion of the period represented by the expiration date of the registration plus one year.]

SUBCHAPTER 29. MOBILE INSPECTION UNIT

13:20-29.1 Mobile Inspection Unit

There is hereby created in the [Bureau of Vehicle Inspection, in the] Division of Motor Vehicles[,] a Mobile Inspection Unit which is authorized to conduct on-road inspections of **motor** vehicles registered in New Jersey in accordance with the procedures set forth at N.J.A.C. 13:20-43.14 for the purpose of fostering highway safety.

13:20-29.2 Procedures

(a) [Vehicles] **Motor vehicles** inspected[,] pursuant to [the authority of N.J.A.C. 13:20-29.1,] **N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14** which are found to be in [safe] **proper** operating condition [will be allowed to proceed and no additional marking will be placed upon the vehicle] **shall retain the existing inspection certificate of approval or certificate of waiver issued therefor.**

(b) [Vehicles] **Motor vehicles** inspected [and] **pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14** which are found to be defective [, in one or more ways, shall be marked with a] **shall have the existing inspection certificate of approval or certificate of waiver issued therefor, if any, removed and an inspection** rejection sticker **shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.** [These] **Motor** vehicles **which are found to be defective** [will be required to have the necessary repairs made and to return to any State-operated inspection station, licensed private inspection center or licensed private inspection facility] **shall be repaired and presented for reinspection** within [the period of time indicated on the inspection sticker] **30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. 13:20-7.6(a).**

13:20-29.3 Penalty

[Vehicles] **Motor vehicles inspected pursuant to N.J.S.A. 39:8-2g, this subchapter, and N.J.A.C. 13:20-43.14** which are found to be defective and [so marked which continue to operate beyond the period provided for on the inspection sticker,] **which have not been presented for reinspection in accordance with N.J.A.C. 13:20-29.2(b)** shall be subject to the penalties [now] provided in **chapter 8 of** Title 39 of the **Revised** Statutes [of New Jersey] **and N.J.A.C. 13:20-43.16(b).**

SUBCHAPTER 32. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED BY OFFICIAL INSPECTION FACILITIES

13:20-32.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, this subchapter or N.J.A.C. 13:20-33, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-4 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department of Environmental Protection pertaining to emission inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single or combination (articulated) vehicle.

"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c. 112.

"Private inspection facility" means any person, partnership, or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

13:20-32.2 General provisions; official inspection facilities

(a) This subchapter contains the inspection standards and test procedures to be used by official inspection facilities when inspecting and certifying automobiles, trucks, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles for compliance with inspection standards.

(b) Official inspection facilities shall be authorized to engage in the inspection, reinspection and certification of automobiles, trucks, modified buses with a capacity of not more than 15 passengers which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division, and motorcycles; provided, however, official inspection facilities shall not inspect modified buses with a capacity of more than 15 passengers, school buses, buses which are subject to inspection by the Division's Commercial Bus Inspection and Investigation Unit, jitneys as defined in N.J.A.C. 13:20-44.2, or motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.

(c) An official inspection facility shall be authorized to affix an inspection certificate of approval on a motor vehicle upon:

1. Initial inspection as certification of compliance with inspection requirements; and

2. Reinspection as certification that defects for which the motor vehicle was initially rejected have been repaired, adjusted, or corrected to bring the motor vehicle into compliance with inspection requirements.

(d) An official inspection facility shall be authorized to affix a certificate of waiver on a motor vehicle which satisfies all of the requirements of N.J.A.C. 13:20-43.13.

(e) If an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, the motor vehicle shall be certified by an official inspection facility by removing the previous inspection certificate of approval, certificate of waiver, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(f) If an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, and shall affix an inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle directly above the previous certificate of approval or certificate of waiver, if any, affixed to the windshield. If there is no previous certificate of approval or certificate of waiver affixed to the windshield, an official inspection facility shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(g) Notwithstanding (f) above, if an automobile, truck, or modified bus with a capacity of not more than 15 passengers registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4 and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, an official inspection facility shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to

constitute a hazard to the public safety must be repaired and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(h) If a motor vehicle registered in New Jersey satisfies all of the requirements of N.J.A.C. 13:20-43.13 for the issuance of a certificate of waiver, an official inspection facility shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker and shall replace it with a current certificate of waiver. The certificate of waiver issued by an official inspection facility shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the certificate of waiver shall be completely visible from the front of the motor vehicle. The certificate of waiver shall be affixed in an upright position.

(i) If a motorcycle registered in New Jersey conforms to the inspection standards set forth in this subchapter, the motorcycle shall be certified by an official inspection facility by affixing a current inspection certificate of approval to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes. The inspection certificate of approval shall be affixed in an upright position. If there is a previous certificate of approval affixed to the rear license plate at the location specified in this subsection, the new certificate of approval shall be affixed so as to cover the previous certificate of approval. If there is a previous certificate of approval affixed to the rear license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

(j) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the official inspection facility shall present the inspection report or card for such motorcycle to the operator thereof. The inspection report or card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(k) A motor vehicle inspection report may be marked "MUST BE REINSPECTED AT A STATE SPECIALTY INSPECTION FACILITY." When a motor vehicle inspection report is marked in this manner, an official inspection facility shall neither reinspect nor certify the motor vehicle, as it must be returned to a State specialty inspection facility for such reinspection and certification.

(l) If a motor vehicle is presented at an official inspection facility for reinspection, the official inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) have been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 13:20-7.6(a), or 13:20-43.14(g), whichever is applicable. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety or emission-related defects, the motor vehicle shall be subject to a complete reinspection.

(m) If a motor vehicle is presented at an official inspection facility for reinspection and the rejected item(s) have not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, the official inspection facility shall not issue an inspection rejection sticker to replace the inspection rejection sticker previously affixed to the motor vehicle by an official inspection facility, nor shall the official inspection facility issue an inspection rejection sticker to replace the inspection certificate of approval or certificate of waiver previously defaced by a licensed private inspection facility in accordance with N.J.A.C. 13:20-33.2(l) as an indication that the motor vehicle has failed inspection.

(n) If a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has not been repaired, the official inspection facility shall not issue a "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle.

(o) Notwithstanding (m) above, if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at an official inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, the official inspection facility shall remove the "48 hour" inspection rejection sticker previously affixed to the motor vehicle and shall affix an inspection rejection sticker and a numerical month indicator to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. The inspection rejection sticker shall be an indication that adjustments, corrections, or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(p) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(q) Any motor vehicle for which the current inspection certificate of approval or certificate of waiver has been lost, stolen, destroyed, or defaced, or any motor vehicle which has had its windshield replaced, may be presented at the exit end of an official inspection facility for the issuance of a replacement inspection certificate of approval or certificate of waiver. Such a replacement inspection certificate of approval or certificate of waiver shall be affixed to the motor vehicle provided the operator thereof presents a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable, and further provided that there are no obvious safety or emission-related defects.

13:20-32.3 Credentials; official inspection facilities

The driver of a motor vehicle presented for inspection shall present a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-32.4 License plates; official inspection facilities

(a) A motor vehicle shall not be certified if the license plates are not in the possession of the operator when the motor vehicle is presented for inspection, or if the letters and/or numbers on the license plates are illegible.

(b) Certification of a motor vehicle shall not be refused because the following requirements are not met; however, the motorist shall be advised to have the condition corrected:

1. The license plates shall be clear and distinct and free from grease, dirt, or other blurring material so that they are plainly visible at all times of the day and night;

2. The license plates shall be securely attached to the front and rear of the motor vehicle, respectively;

3. The license plates shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out; provided, however, that the rear license plate may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying inflammable liquids and on sanitation vehicles which are used to collect, transport and dispose of garbage, solid wastes and refuse;

4. The letters and/or numbers on the license plates shall agree with the letters and/or numbers on the registration certificate of the motor vehicle;

5. A license plate shall not be obstructed by a trailer hitch, snow plow bracket, bumper, bumper guard, sign, mounting bolt head, reflector, or by any other device or material;

6. The license plates shall not be covered by glass, plastic, or similar material;

7. The license plates shall not be bent or defaced; or

8. The registration plate decal(s) issued by the Division for use on the front and rear license plates shall indicate the month and year in which the registration certificate for the motor vehicle expires and shall be firmly attached to the front and rear license plates.

13:20-32.5 Steering and suspension; official inspection facilities

(a) A motor vehicle which is equipped with a steering or suspension system in a condition not equivalent to the motor vehicle manufacturer's specifications shall not be certified.

(b) A motor vehicle having a GVWR of 8,500 pounds or less shall be subject to a steering wheel lash test. Certification of a motor vehicle shall be refused if the steering wheel lash test results in a steer-ahead change of less than .1 degree.

(c) A motor vehicle having a GVWR of 8,500 pounds or less shall be subject to a steering linkage test. Certification of a motor vehicle shall be refused if the steering linkage test results in a difference between total front toe left and right of .4 degrees or more.

(d) With the front wheels of a motor vehicle having a GVWR of more than 8,500 pounds in the straight-ahead position, the steering wheel shall be turned in one direction until there is a perceptible movement of a front wheel. When the steering wheel is turned in the other direction, a point on the steering wheel rim shall not move more than three inches before there is a perceptible return movement of the front wheel under observation. When this test is performed on motor vehicles which are equipped with power steering, the transmission shall be in "neutral" and the engine shall be running.

(e) With the front end of a motor vehicle having a GVWR of more than 8,500 pounds lifted, the front and rear of a front tire shall be grasped and an attempt made to turn the tire and wheel assembly to the right and to the left. The free movement at the front or rear of the tire shall not exceed 1/4 inch. The top and bottom of a front tire shall then be grasped and moved in and out. The movement of the tire shall not exceed the manufacturer's specifications. Both front tires shall be tested in this manner.

(f) The steering wheel shall be turned through the limit of travel in both directions. There shall be no binding or jamming in the steering wheel mechanism.

(g) The steering wheel shall be a minimum of 13 inches in diameter.

(h) There shall be no wear or breakage of components of the steering or suspension system which adversely affects the safe operation of the motor vehicle. There shall be no visible caster or camber.

(i) Shock absorbers shall be properly installed and in proper operating condition. Shock absorbers shall not exhibit oil on the shock absorber housing attributable to leakage by the seal.

13:20-32.6 Front parking lights; official inspection facilities

(a) Front parking lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "P", along with the manufacturer's name or trademark, are often on the lens of such lights.

(b) Front parking lights shall be white, yellow, or amber in color, and shall be securely mounted on the motor vehicle so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels. There shall be one front parking light mounted on each side of the vertical centerline of the motor vehicle at the same height and as far apart as practicable.

(c) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the defect corrected:

1. One or both of the front parking lights are inoperative; or

2. A front parking light lens is damaged or missing. Where the front turn signal lights are combined with the front parking lights, the motor vehicle shall not be refused certification because of a cracked lens; however, if the lens is cracked and a portion of the lens is separated or missing, the motor vehicle shall be refused certification.

13:20-32.7 Glazing; official inspection facilities

(a) All glazing used on motor vehicles manufactured after July 1, 1935, shall be an approved type of glazing which is legibly and permanently marked with the manufacturer's name, trademark, DOT number, "AS" number, or other distinctive designation under which the glazing was approved, so as to be visible when the glazing is installed in the motor vehicle. The proper type of glazing shall be used for each location in a motor vehicle. The approved locations for the various types of glazing are as follows:

1. AS-1: Mandatory in windshields but may be used for any other window in a motor vehicle;

2. AS-2: Anywhere except windshields;

3. AS-3: Rear side windows on buses;

4. AS-4, AS-5, AS-6 and AS-7: Rear windows of convertibles and windows (except windshields) which can be readily removed without the use of tools;

5. AS-8 and AS-9: Rear windows of buses;

6. AS-10: Bullet-resistant windshields;

7. AS-11: Bullet-resistant windows except windshields;

8. AS-12 and AS-13: Windows (except windshields) which can be readily removed without the use of tools.

(b) All openings in a motor vehicle which were originally manufactured with glazing shall be equipped with an approved type of glazing.

(c) Certification of a motor vehicle shall be refused if the motor vehicle is equipped with glazing which causes undue or unsafe distortion of visibility for the driver, or is equipped with unduly fractured, broken, cracked, discolored, scratched, or deteriorated glazing, or is equipped with glazing with sharp edges.

(d) A motor vehicle shall not be certified which has tinted spray or plastic material added to previously approved glazing in the front windshield or windows, vents, wings, deflectors, or side shields to the immediate right or left of the driver, because such condition changes the vision and light transmission properties of the glazing in areas where driver visibility shall not be obscured or obstructed. The high-mounted rear stoplight on motor vehicles required to be equipped with such a light shall not be obstructed by such add-on material.

(e) A motor vehicle shall not be certified which has defrosters of the "electric element" type installed on any window which obstruct the driver's vision. Motor vehicles manufactured with the heating element as an integral part of an approved type of glazing shall not be refused certification.

(f) The window on the driver's side shall be capable of being readily opened to permit arm direction signals to be made by the driver. The presence of approved turn signals does not satisfy this requirement except on trucks over 80 inches in width.

(g) Any motor vehicle may have the rear window and/or side windows to the rear of the driver tinted or covered in some manner so as to partially obscure the driver's vision and any motor vehicle registered for commercial purposes and constructed on a truck chassis (including noncommercial trucks registered pursuant to N.J.S.A. 39:3-8.1) may have the rear window and/or side windows to the rear of the driver painted, tinted, or constructed in some manner so as to obstruct or obscure the driver's vision, provided that the motor vehicle is equipped with an exterior mirror on each side of the motor vehicle. If glazing material remains

in any of the window openings specified in this subsection, the approval markings shall be visible.

(h) A motor vehicle shall not be certified which has mirror-type material on any window.

13:20-32.8 Obstruction to driver's vision; official inspection facilities

(a) No accessory or other object shall be mounted in such a manner as to interfere with the driver's vision.

(b) Signs, posters, stickers, or other non-transparent material shall not be placed upon the windshield, wings, deflectors, side shields, or front side windows of any motor vehicle; provided, however, the inspection certificate of approval, certificate of waiver, inspection rejection sticker, an automatic vehicle identification system transponder approved by the Director in accordance with N.J.A.C. 13:20-10, or any other sticker approved by the Director, is permitted.

(c) A motor vehicle shall not be certified which has an air scoop on the engine hood if the scoop is so high that it obstructs more than a three inch high area of the windshield glass. The height of the obstructed area of the windshield glass shall be measured by placing a straight edge on the top of the scoop and holding the straight edge in a level position with one end contacting the windshield glass.

13:20-32.9 Horn; official inspection facilities

(a) Certification of a motor vehicle shall be refused for any of the following reasons:

1. A horn which is inoperable;
2. A horn which is not audible under normal conditions from a distance of not less than 200 feet;
3. A horn which is not securely fastened to the motor vehicle;
4. A horn which has a broken button or switch, or a horn which does not have a button or switch. (For example, a horn which is activated by grounding a bare wire shall not be certified.);
5. A horn which has an activating button or switch beyond the reach of the driver;
6. A horn button which is located in a place that is not readily conspicuous to the driver, or a horn button which requires the driver to take his or her eyes off of the road to activate the horn;
7. A horn ring which is broken so as to be likely to cause injury or to snag clothing; or
8. A motor vehicle which is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24); provided, however, that any motor vehicle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the condition corrected:

1. A horn which emits an unreasonably loud or harsh sound. An unreasonably loud horn, such as an air horn, is permitted on a motor vehicle, provided the motor vehicle is also equipped with a standard horn for use in residence or business districts; or

2. A horn which can only be sounded by a portion of the horn activation device.

13:20-32.10 Windshield wipers; official inspection facilities

(a) Every motor vehicle having a windshield shall be equipped with at least one windshield wiper in proper operating condition to provide clear vision for the driver. A motor vehicle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motor vehicle.

(b) If a motor vehicle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-32.11 Clearance lights; official inspection facilities

(a) Clearance lights are lights which show to the front and rear of the vehicle, respectively, mounted on a permanent part of the vehicle as near as practical to the upper left and right extreme edges so as to indicate the overall width and height of the vehicle.

(b) A truck 80 inches or more in width manufactured after January 1, 1965, shall be equipped with two amber clearance lights on the front of the vehicle and two red clearance lights on the rear of the vehicle.

(c) Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC", along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(d) Every clearance light shall be permanently and securely mounted on a permanent part of the vehicle.

(e) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

13:20-32.12 Turn signals and hazard warning signals; official inspection facilities

(a) Every motor vehicle, other than a noncommercial motorcycle, shall be equipped with two front and two rear turn signals, except that a passenger vehicle manufactured before

July 2, 1954, is not required to be equipped with turn signals. When any motor vehicle, regardless of the date of its manufacture, is equipped with turn signals, the turn signals shall be in proper operating condition.

(b) All turn signal and hazard warning signal systems including lights, flashers and operating units shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE", along with the manufacturer's name and trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights.

(c) Front turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Front turn signal and hazard warning signal lights shall emit a flashing white or amber light visible for a distance of 500 feet.

(d) Rear turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Rear turn signal and hazard warning signal lights shall emit a flashing red or amber light visible for a distance of 500 feet.

(e) All turn signal lights shall be permanently and securely mounted in such a manner so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels.

(f) A turn signal light shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material if such obstruction reduces the visible area of the turn signal light to less than three and one-half square inches on a passenger automobile, truck, or modified bus which is less than 80 inches in overall width, or reduces the visible area of the turn signal light to less than 12 square inches on a truck which is 80 inches or more in overall width.

(g) Turn signal lights shall flash from 50 to 130 times per minute. The "on" period of the flashes shall be long enough to permit the bulb filaments to reach full brightness.

(h) All turn signal light systems and components shall be in proper operating condition. Certification of a motor vehicle shall not be refused because a turn signal light has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

13:20-32.13 Reflectors; official inspection facilities

(a) Reflectors are devices designed and used on vehicles to give an indication to an approaching driver by reflected light.

(b) Reflectors shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases.

(c) Passenger vehicles manufactured before July 2, 1954, shall have one Class A or Class B red reflector mounted on the rear of the vehicle.

(d) Passenger automobiles manufactured after July 1, 1954, shall have two Class A red or two Class B red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(e) All passenger automobiles with commercial registration and all trucks and buses shall have two Class A red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(f) A truck 80 inches or more in width manufactured after January 1, 1965, shall have one Class A amber reflector mounted on each side of the vehicle as far to the front as practicable and one Class A red reflector mounted on each side of the vehicle as far to the rear as practicable.

(g) The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the vehicle stands. Reflectors shall be permanently and securely mounted on a permanent part of the vehicle.

(h) Any reflector, otherwise properly mounted, may be securely installed on flexible strapping or belting provided that under conditions of normal operation it reflects light in the required direction.

(i) The mounted height of a reflector shall be measured from the center of the reflector to the level surface upon which the vehicle stands.

13:20-32.14 Identification lights; official inspection facilities

(a) Identification lights are used in groups of three in a horizontal row which show to the front and rear of a motor vehicle, respectively, and have light centers spaced not less than six inches nor more than 12 inches apart.

(b) A truck 80 inches or more in width manufactured after January 1, 1965, shall be equipped with three amber identification lights on the front of the vehicle and three red identification lights on the rear of the vehicle. If the cab is not more than 42 inches wide at the front roof line, a single identification light at the centerline of the cab shall be deemed to comply with the requirements for front identification lights.

(c) Identification lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P" or "P2", along with the manufacturer's name and trademark, are on the lens of such lights in most cases.

(d) Every identification light shall be permanently and securely mounted on a permanent part of the vehicle as close as practical to the vertical centerline and the top of the vehicle. No part of front identification lights or their mountings shall extend below the top of the vehicle windshield.

13:20-32.15 Side-marker lights; official inspection facilities

(a) Side-marker lights are lights on the left and right sides near the front and rear of a motor vehicle that show to the side and are intended to indicate vehicle length.

(b) A truck 80 inches or more in width manufactured after January 1, 1965, shall be equipped with one amber side-marker light mounted on each side at or near the front of the vehicle and one red side-marker light mounted on each side at or near the rear of the vehicle. Side-marker lights shall be of a type approved as meeting the standards of the United States

Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC", along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(c) Every side-marker light shall be permanently and securely mounted on a permanent part of the vehicle. Side-marker lights may be mounted at optional height on the side of the vehicle.

(d) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

13:20-32.16 Taillights and license plate light; official inspection facilities

(a) Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two red taillights and at least two red reflectors, one at each side of the vertical centerline at the same level and as far apart as practicable, except that a passenger vehicle manufactured before July 2, 1954, may be equipped with one red taillight and one red reflector.

(b) Taillights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "T", along with the manufacturer's name or trademark, are often on the lens of such lights.

(c) Taillights shall exhibit a red light visible from a distance of 500 feet to the rear of the vehicle. The lights shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.

(d) Taillights shall be permanently and securely mounted on a permanent part of the vehicle. The mounted height of taillights, as measured from the center of the lens to the level surface upon which the vehicle stands, shall be not less than 15 inches nor more than 72 inches. On any vehicle designed for carrying flammable liquids as cargo, the taillights may be mounted higher than 72 inches. When two taillights are required, they shall be mounted at the same level and spaced as far apart laterally as practical.

(e) Certification of a motor vehicle shall not be refused because a taillight has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

(f) If a motor vehicle is equipped with two or more taillights on each side, it shall not be refused certification because some of the taillights are not operative, provided at least one taillight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle shall be refused if the license plate light is inoperative. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "L", along with the manufacturer's name or trademark, are often on the lens of such lights.

13:20-32.17 Stoplights; official inspection facilities

(a) Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two stoplights, one at each side of the vertical centerline at the same height and as far apart as practicable, except that a passenger vehicle manufactured before July 2, 1954, may be equipped with one stoplight. All passenger automobiles manufactured on or after September 1, 1985, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and modified buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less, manufactured on or after September 1, 1993, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and modified buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less and whose vertical centerline, when the vehicle is viewed from the rear, is not located on a fixed body panel but separates one or two moveable body sections, such as doors, and which lacks sufficient space to install a single high-mounted stoplight on the centerline above such body sections, and which is manufactured on or after September 1, 1993, shall, in addition, be equipped with two high-mounted rear stoplights.

(b) All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S", along with the manufacturer's name or trademark, are often on the lens of such lights.

(c) Stoplights shall exhibit a red or amber color and shall be visible from a distance of 500 feet to the rear of the vehicle when activated by application of the brake. The stoplights, including high-mounted rear stoplights, shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.

(d) Stoplights shall be permanently and securely mounted on a permanent part of the vehicle. Certification of a motor vehicle shall not be refused because a stoplight has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

(e) If a motor vehicle is equipped with two or more stoplights on each side, it shall not be refused certification because some of the stoplights are not operative, provided at least one stoplight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(f) If a motor vehicle is equipped with a high-mounted rear stoplight(s) with multiple bulbs, it shall not be refused certification because some of the stoplight bulbs are not operative, provided at least one such high-mounted rear stoplight bulb is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle which is equipped with a high-mounted rear stoplight shall be refused if the stoplight is so wired that it illuminates when the turn signal lights are activated.

13:20-32.18 Wheels; official inspection facilities

(a) Wheels shall turn freely and the lateral or radial runout of the rim bead shall not exceed the motor vehicle manufacturer's specifications.

(b) Wheels shall be securely mounted and there shall be no visible cracks, elongated bolt holes, broken bolts, missing bolts or nuts, indication of repair by welding, or other defects which adversely affect the safe operation of the motor vehicle.

13:20-32.19 Tires; official inspection facilities

(a) The tread on each tire shall not be less than 2/32 of an inch deep.

(b) Many tires have tread depth indicators that become exposed when the tread depth is less than 2/32 of an inch. Tread depth indicators shall be inspected and a tire rejected if it is worn so that the indicators are visible in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire. For tires without tread depth indicators, the tread depth shall be measured with a tire tread depth gauge.

(c) Tires shall be free from chunking, bumps, knots, or bulges evidencing cord, ply, or tread separation from the casing or other adjacent materials. Tire cords or belting materials shall not be exposed.

(d) There shall not be any mismatch in nominal tire size, construction, or profile between tires on the same axle, or any deviation from the motor vehicle manufacturer's tire recommendations. Tire tread shall not protrude beyond the fenders.

(e) Tires on motor vehicles registered for use on a public highway shall not be marked "FOR FARM USE ONLY," "OFF HIGHWAY USE ONLY," or "FOR RACING USE ONLY." Tires which were originally manufactured with extra undertread material and are marked "REGROOVABLE" may be regrooved below the original tread depth.

(f) Studded tires may not be used on a public highway in New Jersey earlier than November 15 or later than April 1 of any winter season. Certification of a motor vehicle shall not be refused because of the improper use of studded tires; however, the motorist shall be advised to have the condition corrected.

13:20-32.20 Exhaust system; official inspection facilities

(a) The following shall not be certified:

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;

2. An exhaust system if there is evidence of tampering with emission control apparatus in violation of N.J.A.C. 7:27-15.7;

3. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;

4. An exhaust system if there is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;

5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;

6. An exhaust system in which all parts are not properly mounted. The entire exhaust system shall be in such condition that it cannot burn or cause injury to any person. Exposed exhaust pipes, stacks, or other parts of the exhaust system which might burn a person or cause injury shall be protected in a permanent and effective manner; or

7. An exhaust system installed in a manner that any part thereof passes through the passenger compartment of the motor vehicle. The exit point for the exhaust gas shall be

located so that dangerous amounts of exhaust gas will not enter the passenger compartment under normal vehicle use even with the windows open or the outside air inlets to the heater or air conditioner open. A replacement exhaust system is acceptable provided it is specifically manufactured for the motor vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

(b) Notwithstanding (a) above, certification of a motor vehicle shall not be refused because a muffler has drain holes which were placed in it at the time of manufacture for drainage purposes.

13:20-32.21 Prescribed emission test(s); official inspection facilities

With respect to each gasoline-fueled or bi-fueled motor vehicle presented for inspection, an official inspection facility shall conduct the emission test(s) specified for such motor vehicle at N.J.A.C. 13:20-43.8 in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

13:20-32.22 Emission test equipment calibration; official inspection facilities

The emission test equipment shall be calibrated and maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-4.2.

13:20-32.23 Headlights; official inspection facilities

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights at the same level with an equal number on each side of the front of the motor vehicle. Headlights shall emit only a white light and shall be tested for proper operation.

(b) Headlights shall be properly installed so that their beams are readily adjustable, both vertically and horizontally, and their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation.

(c) Headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.

(d) A motor vehicle having a headlight with a cracked, broken, or missing lens, or a headlight with insufficient light intensity, shall not be certified; provided, however, that a motor vehicle shall not be refused certification because the headlight has a bullseye-type hole which has been repaired in a proper manner.

(e) There shall be no auxiliary equipment, such as colored spray, on the lens, visor, reflector, or other attachment which is not included in the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.

(f) On motor vehicles equipped with four headlights, the Type 2 headlight shall be mounted above or to the outside of the Type 1 headlight. A motor vehicle which is equipped with recessed headlights shall, when such headlights are illuminated, have nothing covering them or in front of them except clear glass. A 1969 or later model year motor vehicle equipped with headlights which, when in use, have any styling or other features, such as a glass cover or grille in front of the lens, shall not be certified.

(g) Retractable headlights shall be in the fully open position when the headlights are tested.

(h) Motor vehicles which are used for plowing snow may have an extra set of headlights mounted above the plow. Switching shall be provided so that either set of headlights may be used, but not both.

(i) A motor vehicle shall not be refused certification because of a missing headlight rim or rims; however, the motorist shall be advised to have the defect corrected.

13:20-32.24 Rear view mirrors; official inspection facilities

(a) A motor vehicle shall not be certified if it is not equipped with at least one rear view mirror. A passenger automobile manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side.

(b) A commercial motor vehicle manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side, except that every such vehicle so constructed or loaded as to obstruct or obscure a rear view from an interior mirror shall, in lieu of an interior mirror, be equipped with an exterior mirror on the side of the vehicle opposite the driver's side.

(c) Mirrors shall be securely mounted and located and adjusted so as to provide the driver adequate rear view vision. Mirrors shall not obstruct the driver's forward vision. Concave or convex mirrors shall not be used in place of the interior mirror or the driver's side exterior mirror.

(d) A motor vehicle shall not be certified if a mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges.

(e) Mirrors shall be capable of adjustment to a fixed horizontal and vertical position.

13:20-32.25 Miscellaneous lights; official inspection facilities

(a) All miscellaneous lights used on motor vehicles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE", along with the manufacturer's name and trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F;

2. Spot lights = O;

3. Emergency warning lights = W or W1 or W3;

4. Supplemental driving or passing lights = Y or Z.

(b) Any motor vehicle may be equipped with not more than two auxiliary driving lights mounted on the front of the vehicle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation. Auxiliary driving lights shall be of a type approved by the Director.

1. Fog lights are auxiliary driving lights which may be used with the low beam headlights to provide general illumination ahead of a motor vehicle. A fog light shall be white, yellow, or amber in color. Approved fog lights shall meet the requirements of SAE J-583d.

2. Passing lights are also known as auxiliary low beam driving lights and are designed to supplement the lower beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-582a. Passing lights shall be wired so that they are controlled by a switch separate from the headlight switch.

3. Supplemental driving lights are auxiliary driving lights which may be used to supplement the upper beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-581. Supplemental driving lights shall be wired so that they are controlled by a switch separate from the headlight switch.

(c) A spot light is a light which can be aimed at will. Any motor vehicle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O", along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Spot lights shall be of a type approved by the Director. Approved spot lights shall meet the requirements of SAE J-591b.

(d) Any motor vehicle may be equipped with not more than two side cowl or fender lights which shall emit a white or yellow light without glare.

(e) Any motor vehicle may be equipped with not more than one running board courtesy light on each side thereof which shall emit a white or yellow light without glare.

(f) Any motor vehicle may be equipped with one or more back-up lights, either separately or in combination with other lights. No back-up light shall be illuminated when the motor vehicle is in forward motion.

(g) On motor vehicles used for plowing snow, there may be auxiliary driving lights connected to either the parking light system or the low beam headlight system. If sealed beam headlight units are used for the auxiliary driving lights, they shall be wired so that the taillights will be illuminated when the auxiliary driving lights are turned on. Auxiliary turn signal lights are also permitted on such motor vehicles.

(h) Flashing lights are prohibited on motor vehicles (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(i) A motor vehicle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(j) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the vehicle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(k) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or

2. A clearance light with a taillight or an identification light.

(l) Motor vehicles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on vehicle sides);
2. K: Cornering lights;
3. R: Back-up lights;
4. U: Supplemental high-mounted stop and turn signal lights;
5. V: Liquid burning emergency flares;
6. W4: Emergency reflex reflectors;
7. X: Emergency lanterns.

13:20-32.26 Wiring and switching; official inspection facilities

(a) Certification of a motor vehicle shall be refused for any of the following reasons:

1. The wiring is not in proper condition, is improperly installed, or is so located as to cause damage;
2. Any connection that is not secure or shows signs of corrosion;
3. The switches are not in proper condition or do not function properly;
4. Any light circuit that does not light the proper filament when the appropriate switch position is applied; or
5. Any defect in wiring and/or switching which adversely affects the lighting performance of any exterior light.

(b) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches, provided the safe operation of the motor vehicle is not adversely affected.

(c) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motor vehicle is not adversely affected.

13:20-32.27 Headlight beam indicator light; official inspection facilities

Certification of a motor vehicle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorist shall be advised to have the defect corrected.

13:20-32.28 Turn signal and hazard warning signal indicator lights; official inspection facilities

(a) Certification of a motor vehicle shall not be refused because of an inoperative turn signal indicator light and/or an inoperative hazard warning signal indicator light; however, the motorist shall be advised to have the defect corrected.

(b) If any turn signal indicator light is not readily visible to the driver, there shall be an illuminated indicator to give the driver a clear and unmistakable indication that the turn signal system is turned "on".

(c) In motor vehicles equipped with a single turn signal indicator, a separate hazard warning signal indicator shall flash and the turn signal indicator may flash while the hazard warning signal system is turned "on".

(d) In motor vehicles equipped with right and left turn signal indicators, both indicators or separate indicators shall flash simultaneously while the hazard warning signal system is turned "on".

(e) If a separate indicator light is used for the hazard warning signal system, it shall emit a red color and have a minimum area equivalent to a 1/2 inch diameter circle.

13:20-32.29 Antenna; official inspection facilities

Any antenna mounted on a motor vehicle shall be securely attached so as not to swing or project in a hazardous manner. Certification of a motor vehicle shall not be refused because of an insecure antenna; however, the motorist shall be advised to have the condition corrected.

13:20-32.30 Body; official inspection facilities

The motor vehicle body panels, floor pan and other sections shall be in good condition, and shall not be rusted out or missing. The motor vehicle body shall be free of rips and sharp edges which could cause injury.

13:20-32.31 Bumpers; official inspection facilities

Bumpers, if present, shall be securely mounted on a motor vehicle and in good condition with no sharp or protruding parts or edges which could cause injury. Front and rear bumper heights shall be in accordance with the motor vehicle manufacturer's specifications.

13:20-32.32 Doors; official inspection facilities

(a) The motor vehicle doors and all door operating devices, handles, buttons, hinges, and latches shall be in proper operating condition. A method of opening the door from the outside is not required on motor vehicles with fabric tops which are equipped with glazing material which can be readily removed without the use of tools.

(b) Motor vehicles designed and manufactured with doors shall be equipped with doors.

(c) Motor vehicles designed and manufactured without doors shall be equipped with seat belts or a strap, chain, or restraining device of some type across the openings.

13:20-32.33 Fenders and fender flaps; official inspection facilities

(a) The motor vehicle fenders shall be securely mounted and shall have no rips or sharp edges which could cause injuries to persons.

(b) Fenders shall cover the width of the tire tread. The rear fenders shall be designed and installed so as to prevent the wheels of the motor vehicle from throwing dirt, water, or other material onto other motor vehicles. Fender flaps may be attached to the rear fenders to provide the necessary wheel coverage.

13:20-32.34 Fuel system; official inspection facilities

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition, and the fuel tank shall be properly capped.

13:20-32.35 Hood; official inspection facilities

Motor vehicles shall be equipped with an engine hood. The hood shall be properly secured and latched, and all hinges, latches, and other components shall be in proper operating condition.

13:20-32.36 Lettering; official inspection facilities

(a) Vehicles used for commercial purposes on a street or highway, except for passenger automobiles and vehicles owned or leased by a pharmacy and utilized for the transportation or delivery of drugs, shall have conspicuously displayed on the vehicle, or on a name plate attached to the vehicle, the name of the owner, lessee, or lessor of the vehicle, and the name of the municipality in which the owner, lessee, or lessor has his or her principal place of business. Franchised public utilities and operators of fleets of 50 or more commercial vehicles shall be exempted from displaying the name of the municipality, provided that their vehicles display a corporate identification number. The sign or the name plate shall be in plain view and the lettering shall be as close as possible to three inches high. Certification of a commercial vehicle shall not be refused because the vehicle fails to display the owner's name and business address; however, the motorist shall be advised to have the condition corrected.

(b) A noncommercial truck, registered as a passenger vehicle pursuant to N.J.S.A. 39:3-8.1, is issued passenger vehicle license plates by the Division. Such a noncommercial truck shall not have any advertising, signs, lettering, names, or addresses on its exterior, excepting trademarks and labels of the manufacturer and dealer. Certification of a noncommercial truck shall not be refused because the truck displays any type of lettering; however, the motorist shall be advised to have the condition corrected.

(c) Certification of a vehicle with a GVWR of 26,001 pounds or more shall not be refused because the GVWR is not displayed on the vehicle; however, the motorist shall be advised to have the condition corrected.

13:20-32.37 Ornaments; official inspection facilities

All motor vehicle ornaments shall be free of sharp parts or edges which could cause injury to persons.

13:20-32.38 Pedals; official inspection facilities

Brake, clutch, and accelerator pedals shall have rubber pads or some other method of providing the pedals with a non-skid surface. All pedals shall be in proper operating condition.

13:20-32.39 Racks or carriers; official inspection facilities

A motor vehicle may be equipped with racks or carriers provided the maximum vehicle dimensional limits set forth in N.J.S.A. 39:3-84 are not exceeded and provided they do not create a dangerous condition which may cause injury to persons.

13:20-32.40 Reflective tape; official inspection facilities

Reflective tape of a color amber to white may be displayed on the front of a motor vehicle. Reflective tape of a color red or amber to white may be displayed on the rear of a motor vehicle.

13:20-32.41 Seats; official inspection facilities

All motor vehicle seats shall be securely mounted and free of hazardous conditions. The driver's seat shall lock securely in a position that permits the safe operation of the motor vehicle.

13:20-32.42 Seat belts; official inspection facilities

(a) All motor vehicles which are required by law to be equipped with seat belts shall be in compliance with Federal Motor Vehicle Safety Standards 208 and 209.

(b) Seat belts and their anchorage units, or other restraining devices, shall be of a type approved as meeting the standards of the United States Department of Transportation or the specifications of the Society of Automotive Engineers. The buckles and anchorage units shall be in good condition and the webbing shall not be dangerously worn or cut.

13:20-32.43 Gear shift indicator; official inspection facilities

A motor vehicle equipped with an automatic transmission shall be equipped with a gear shift indicator in proper operating condition. Certification of a motor vehicle shall not be refused because of a minor misalignment of a gear shift indicator (that is, a misalignment of not more than one-half the distance between shift positions); however, the motorist shall be advised to have the defect corrected.

13:20-32.44 Transmission; official inspection facilities

The transmission of a motor vehicle shall operate properly and shall be capable of operating in reverse. A reverse detent mechanism shall be present and shall be in proper operating condition.

13:20-32.45 Television; official inspection facilities

A motor vehicle shall not have a television installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

13:20-32.46 Trunk lid; official inspection facilities

A motor vehicle trunk lid shall be capable of being securely fastened in accordance with the motor vehicle manufacturer's original design and specification.

13:20-32.47 Service brakes (including service brake equalization and service brake pedal reserve); official inspection facilities

(a) The inspection for motor vehicle service brake pedal reserve shall be performed as set forth in this section. "Pedal reserve" is the amount of total pedal travel left in reserve when the pedal is depressed to the brake applied position. The service brake pedal reserve test does not apply to air brake systems.

(b) With the motor vehicle stationary and the service brake pedal depressed under a moderate foot force (that is, a force of 25 pounds for power brakes and 50 pounds for other

brakes), there shall be a minimum of one-fifth of the total average pedal travel (as per the motor vehicle manufacturer's specifications) remaining. The motor vehicle engine shall be running when power brakes are tested. In the event that the adequacy of the service brake pedal reserve on a motor vehicle equipped with disc brakes is in question, the pedal reserve shall be tested when the brakes are applied while the motor vehicle is being driven. The service brake pedal reserve test is not required for motor vehicles equipped with full power (central hydraulic) brake systems or for motor vehicles with brake systems designed to operate with less than one-fifth pedal travel.

(c) With the service brake pedal depressed to the brake applied position for ten seconds under a foot force of approximately 125 pounds, there shall be no perceptible decrease in pedal height and, if the motor vehicle is so equipped, no illumination of the brake system failure indicator light. If a motor vehicle is so equipped, the brake system failure indicator light shall be in proper operating condition.

(d) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. Brake hoses shall not be cracked, chafed, or flattened. Protective devices, such as "rub rings," are not to be considered part of the brake hose.

(e) Hydraulic or air brake line tubing shall be specially designed for automotive hydraulic or air brake line use. Tubing designed for gasoline or oil lines is not acceptable for use as hydraulic or air brake lines.

(f) Backing plates and caliper assemblies shall not be deformed or cracked. Brake system parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled properly and installed correctly.

(g) The vacuum brake hoses shall be examined visually and aurally with the motor vehicle engine running. The hoses shall not be collapsed, abraded, broken, improperly mounted, or audibly leaking.

(h) After insuring that the tires are properly inflated, a brake performance test shall be conducted. The brakes shall be tested on a drive-on platform tester. The results shall show some brake force produced by each wheel brake and the total brake force shall be equal to at least 43.5 percent of the gross vehicle weight. This is equivalent to a deceleration of 14 feet per second, which shall produce a stop from a speed of 20 miles per hour in 30 feet. The braking force on a front wheel or on a rear wheel shall not be less than 65 percent of the braking force developed on the other front wheel or rear wheel, respectively. The service brake shall have a minimum front to rear brake ratio of 40 percent and a maximum front to rear brake ratio of 95 percent. The allowable front brake bias margin shall be 25 percent and the allowable rear brake bias margin shall be 15 percent.

(i) If a motor vehicle is equipped with air brakes, the low pressure warning system and air brake components shall be tested for proper operation. This test includes the following:

1. The low pressure warning system. The engine shall be turned off when there is sufficient air pressure so that the low pressure warning signal is not illuminated. The electrical power shall be turned on and the brake pedal shall be depressed and released to reduce the air tank pressure. The low air pressure warning signal shall become illuminated before the air pressure drops to less than 60 pounds per square inch in the air tank (or, in dual air systems, in the tank with the lower air pressure).

2. Operation of automatic spring brakes. The motor vehicle wheels shall be chocked, the parking brake released when there is sufficient air pressure to do so, and the

engine turned off. The brake pedal shall be depressed and released to reduce the air tank pressure. The parking brake knob shall pop out when the air pressure falls to the manufacturer's specification, which is usually in a range of between 20 to 40 pounds per square inch. This shall cause the spring brakes to engage.

3. Rate of air pressure increase. With the motor vehicle engine idling at the motor vehicle manufacturer's specification, the air pressure shall increase from 85 pounds per square inch to 100 pounds per square inch within 45 seconds in dual air systems. If the motor vehicle is equipped with larger than minimum air tanks, the rate of increase may be longer as per the manufacturer's specifications. In single air systems on pre-1975 model year motor vehicles, typical specifications are an air pressure rate of increase from 50 to 90 pounds per square inch within three minutes with the engine at an idle speed of 600 to 900 revolutions per minute.

4. Air leakage rate. With a fully-charged air system (typically 125 pounds per square inch), the engine shall be turned off, the service brake shall be released, and the air pressure drop shall be timed. The loss rate shall be less than two pounds per square inch in one minute for single vehicles, or less than three pounds per square inch in one minute for combination vehicles. Ninety pounds per square inch or more shall then be applied to the brake pedal. After the initial pressure drop, the air pressure shall not fall more than three pounds per square inch in one minute for single vehicles, nor more than four pounds per square inch in one minute for combination vehicles.

5. Governor cut-in and cut-out pressure. The air compressor shall start pumping at approximately 100 pounds per square inch and shall stop pumping at approximately 125 pounds per square inch as per the manufacturer's specifications. The motor vehicle engine shall be operated at a fast idle. The air governor shall cut-out the air compressor at approximately the manufacturer's specified pressure. The air pressure indicated on the air pressure gauge(s) shall stop rising. With the engine idling, the brake pedal shall be depressed and released to reduce the air tank pressure. The air compressor shall cut-in at approximately the manufacturer's specified cut-in pressure, and the air pressure shall begin to rise.

13:20-32.48 Parking brake; official inspection facilities

(a) The parking brake shall be able to hold the motor vehicle stationary on any up or down grade upon which it can be operated, whether the motor vehicle is empty or loaded.

(b) The parking brake shall be equipped with a ratchet and pawl, or other type of automatic locking device, which will hold the brake in the applied position. On motor vehicles equipped with an automatic transmission and an automatic parking brake release, the locking device shall hold the parking brake in the applied position regardless of whether the transmission gear shift lever is in the "neutral" or "park" position.

(c) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motor vehicle manufacturer's specifications) remaining.

13:20-32.49 Speed recording instrument (speedometer); mileage recording instrument (odometer); official inspection facilities

Certification of a motor vehicle shall be refused if the speed recording instrument (speedometer) or the mileage recording instrument (odometer) for such motor vehicle is inoperative or does not operate properly.

13:20-32.50 Credentials; motorcycles; official inspection facilities

The driver of a motorcycle presented for inspection shall present either a valid motorcycle operator's license or a valid basic driver's license with a motorcycle endorsement, a valid New Jersey motorcycle registration certificate, and a valid New Jersey insurance identification card for the motorcycle. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-32.51 License plate; motorcycles; official inspection facilities

(a) A motorcycle shall not be certified if the license plate is not in the possession of the operator when the motorcycle is presented for inspection, or if the letters and/or numbers on the license plate are illegible.

(b) Certification of a motorcycle shall not be refused because the following requirements are not met; however, the motorcyclist shall be advised to have the condition corrected:

1. Only a rear license plate is required on a motorcycle. The license plate shall be clear and distinct and free from grease, dirt, or other blurring material so that it is plainly visible at all times of the day and night;

2. The license plate shall be securely attached to the rear of the motorcycle;

3. The license plate shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out;

4. The letters and/or numbers on the license plate shall agree with the letters and/or numbers on the registration certificate of the motorcycle;

5. The license plate shall not be covered by glass, plastic, or similar material;

6. The license plate shall not be bent or defaced; or

7. The registration plate decal(s) issued by the Division for use on the license plate shall indicate the month and year in which the registration certificate for the motorcycle expires and shall be firmly attached to the license plate.

13:20-32.52 Frame, wheels, steering, handlebars, and suspension; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The frame is bent or damaged so as to affect the safe operation of the motorcycle;

2. The wheels and/or rims are bent, damaged, or defective, or the wheels are out of line, so that steering and control are adversely affected;

3. The steering-head bearing is loose, broken, defective, or out of adjustment;

4. The handlebars are loose, bent, broken, or damaged so as to affect proper steering;

5. The handlebar grips are higher than the shoulder height of the operator when he or she is seated on the motorcycle in normal driving position. Inasmuch as no portion of

the handlebar grips shall be higher than the shoulder height of the operator, the measurement shall be made to the highest point on the handlebar grips;

6. Any component which is loose, bent, broken, defective, out of adjustment, or missing, so as to affect the safe operation of the motorcycle; or

7. The steering or suspension system is not in a condition equivalent to the motorcycle manufacturer's specifications.

13:20-32.53 Windscreen, glazing, and obstruction to driver's vision; motorcycles; official inspection facilities

(a) A windscreen is not required on a motorcycle if the operator has in his or her possession an approved type of goggles or an approved type of face shield. If the motorcycle is equipped with a windscreen, it shall be inspected and certification shall be refused for any of the following reasons:

1. The windscreen is not of an approved type. The windscreen shall be approved as meeting Standard Z26.1 of the American National Standards Institute. The letters "AS", along with the trademark of the manufacturer or distributor, appear on approved types of windscreens;

2. The windscreen support, or some other component, obstructs the driver's vision or is constructed or located as to constitute a hazard to the driver;

3. The windscreen is broken, cracked, discolored, or scratched so as to obstruct the driver's vision;

4. The windscreen is not securely mounted;

5. The windscreen does not provide adequate protection for the operator; or

6. A sign, poster, sticker, or other non-transparent material is on the windscreen so as to obstruct the driver's vision; provided, however, an automatic vehicle identification system transponder approved by the Director in accordance with N.J.A.C. 13:20-10, or any sticker approved by the Director, is permitted.

13:20-32.54 Horn; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with a horn;

2. A horn is not securely fastened to the motorcycle;

3. A horn button is placed in an unsafe position;

4. A horn button is not operating properly;

5. Horn wiring is in an unsafe condition;

6. A horn is not audible under normal conditions from a distance of not less than 200 feet; or

7. A motorcycle is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24); provided, however, that any motorcycle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motorcycle shall not be refused because a horn emits an excessively loud or harsh sound; however, the motorcyclist shall be advised to have the condition corrected.

13:20-32.55 Windshield wipers; motorcycles; official inspection facilities

(a) Some three-wheeled motorcycles are equipped with a passenger automobile type of windshield. In such cases, the motorcycle shall be equipped with at least one properly operating windshield wiper to provide clear vision for the driver. A motorcycle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motorcycle.

(b) If a motorcycle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-32.56 Clearance lights; motorcycles; official inspection facilities

(a) If the motorcycle is equipped with a side car or any other extension that is attached to the side thereof, there shall be a clearance light located on the outside limit of the side car or extension which displays white light to the front of the motorcycle.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The clearance light is not of an approved type. Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC", along with the manufacturer's name or trademark, are on the lens of such lights;

2. The clearance light is not permanently and securely mounted on a permanent part of the motorcycle;

3. The lens is missing, broken, or cracked;

4. The clearance light does not display white light to the front of the motorcycle;
or

5. The filament does not light when the headlight is in operation.

(c) A three-wheeled motorcycle shall be equipped with amber side clearance lights or parking lights on each side visible from the front of the motorcycle.

13:20-32.57 Taillight, reflector, and license plate light; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The taillight shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "T", along with the manufacturer's name or trademark, are often on the lens of such lights;

2. The taillight shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two taillights are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a taillight, as measured from the center of the lens to the level surface upon which the motorcycle stands, shall be not less than 15 inches nor more than 72 inches;

3. The lens is missing, broken, or of a color other than red. Certification of a motorcycle shall not be refused because a taillight lens is cracked, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected;

4. The filament does not light when the headlight is in operation;

5. The reflector shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases; or

6. The reflector shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two reflectors are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the motorcycle stands. The mounted height of a reflector shall be measured from the center of the reflector.

(b) A three-wheeled motorcycle shall be equipped with a taillight and a red reflector on each side visible from the rear of the motorcycle.

(c) Certification of a motorcycle shall be refused if the license plate light is inoperative. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "L", along with the manufacturer's name or trademark, are often on the lens of such lights.

13:20-32.58 Stoplight; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The stoplight is not red or amber in color;

2. The stoplight is not of an approved type. All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S", along with the manufacturer's name or trademark, are often on the lens of such lights;

3. The stoplight is not activated by application of the brake;

4. The stoplight is not permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two stoplights are present they shall be symmetrically disposed about the vertical centerline; or

5. The lens is missing. Certification of a motorcycle shall not be refused because of a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(b) A three-wheeled motorcycle shall be equipped with a red or amber stoplight on each side visible from the rear of the motorcycle.

13:20-32.59 Tires; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The tread on any tire is less than 2/32 of an inch in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire;

2. Any part of the ply or cord is exposed;

3. The tire structure has a chunk, bump, knot, or bulge evidencing cord, ply, or tread separation from the casing or other adjacent material; or

4. A tire has been regrooved below the original tread depth, unless such tire was originally manufactured with extra undertread material and is marked "REGROOVABLE."

13:20-32.60 Exhaust system; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;

2. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;

3. The muffler is not designed especially for motorcycles or is not equivalent in quality and performance to the original manufacturer's equipment designed for highway use;

4. There is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;

5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;

6. There is excessive smoke. There shall be no more smoke than that produced by a properly maintained and functioning motorcycle;

7. An exhaust system in which all parts are not properly mounted; or

8. There is excessive vibration of the exhaust system.

(b) Notwithstanding (a) above, certification of a motorcycle shall not be refused because a muffler has drain holes which were placed in it at the time of manufacture for drainage purposes.

13:20-32.61 Headlights; motorcycles; official inspection facilities

(a) Every motorcycle shall be equipped with a headlight on the front on the vertical centerline, except that if two headlights are present they shall be symmetrically disposed about the vertical centerline. Motorcycle headlights shall emit only a white light and shall be tested for proper operation.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with at least one approved type of motorcycle headlight. All headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "M", along with the manufacturer's name or trademark, often appear on approved type motorcycle headlights;

2. A motorcycle shall not have more than two headlights. If two headlights are installed, both shall operate properly and be of an approved type. Motorcycles having motors not over five horsepower may have either multiple beam or single beam headlights; all other motorcycles shall have multiple beam headlights. One seven inch sealed beam passenger automobile headlight unit of an approved type, or one 5 3/4 inch Type 1 and one 5 3/4 inch Type 2 sealed beam passenger automobile headlight unit of an approved type, may be used if desired;

3. The headlight is not securely mounted, cannot be aimed vertically or its aim is grossly misaligned, the wiring is not in proper condition, or the headlight switch (if the motorcycle is so equipped) does not operate properly;

4. The lens is cracked, missing, broken, or improperly installed;

5. There is dirt, excessive moisture, discoloration, contamination, or reflector deterioration; or

6. The light intensity is not sufficient; provided, however, that the engine speed of the motorcycle may be increased in an attempt to obtain sufficient light intensity.

(c) Certification of a motorcycle shall not be refused because the headlight rim is missing; however, the motorcyclist shall be advised to have the defect corrected.

(d) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

13:20-32.62 Rear view mirrors; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with a rear view mirror;

2. The mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges;

3. The mirror is not capable of adjustment to a fixed horizontal and vertical position;

4. The mirror is not securely or properly mounted on the motorcycle;

5. The mirror does not provide the driver adequate rear view vision; or

6. The primary rear view mirror to the left of the driver has a concave or convex shape.

13:20-32.63 Miscellaneous lights; motorcycles; official inspection facilities

(a) The lights described in this section are not required on motorcycles, unless otherwise noted, but are permitted provided they comply with the requirements set forth in this section.

(b) All miscellaneous lights used on motorcycles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE", along

with the manufacturer's name or trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F;

2. Supplemental driving or passing lights = Y or Z.

(c) Any motorcycle may be equipped with not more than two auxiliary driving lights which are securely mounted on the front of the motorcycle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the motorcycle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary motorcycle operation. Fog lights shall be wired so that they can only be used in conjunction with the low beam headlights.

(d) Turn signal lights (required on three-wheeled motorcycles):

1. Two turn signal lights shall be visible from the front of the motorcycle, and two turn signal lights shall be visible from the rear of the motorcycle.

2. The entire turn signal system shall be of an approved type. All turn signal lights, flashers and operating units shall be of a type approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE", along with the manufacturer's name or trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights.

3. The turn signal lights showing to the front of the motorcycle shall be amber or white in color.

4. The turn signal lights showing to the rear of the motorcycle shall be amber or red in color.

5. All turn signal lights, systems and components shall be in proper operating condition. Certification of a motorcycle shall not be refused because a turn signal light has a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(e) A spot light is a light which can be aimed at will. Any motorcycle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O", along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Spot lights shall be of a type approved by the Director. Approved spot lights shall meet the requirements of SAE J-591b.

(f) Flashing lights are prohibited on motorcycles (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(g) A motorcycle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motorcycle.

(h) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the motorcycle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(i) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(j) Motorcycles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on motorcycle sides);
2. K: Cornering lights;
3. M: Motorcycle and motor driven cycle headlights (motorcycle type);
4. N: Motorcycle and motor driven cycle headlights (motor driven cycle type);
5. R: Back-up lights;
6. U: Supplemental high-mounted stop and turn signal lights;
7. V: Liquid burning emergency flares;
8. W4: Emergency reflex reflectors;
9. X: Electric emergency lanterns.

13:20-32.64 Wiring, switching, and electrical equipment; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The wiring and/or switches are not in proper condition, are improperly installed, or are so located as to cause damage;
2. The switches do not function properly;
3. A connection is not secure or shows signs of damage;
4. The power for lights is not provided by a generator, alternator, or magneto.

Dry cell batteries are not acceptable as a source of electrical energy except for parking lights; or

5. Any defect in wiring or switching which adversely affects the lighting performance of any exterior light.

(b) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

(c) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as original switches, provided the safe operation of the motorcycle is not adversely affected.

(d) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motorcycle is not adversely affected.

13:20-32.65 Headlight beam indicator light; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorcyclist shall be advised to have the defect corrected.

(b) A headlight beam indicator light is not required on motorcycles equipped with single beam headlights.

13:20-32.66 Miscellaneous items; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. Fuel leakage at any point in the motorcycle fuel system;
2. The fuel tank and piping are not securely mounted or are not in proper condition;
3. The fuel tank is not properly capped;
4. The chainguard does not provide sufficient protection; or
5. The speed recording instrument (speedometer) or the mileage recording instrument (odometer) is inoperative or does not operate properly.

(b) The rear fenders of three-wheeled motorcycles shall extend downward to the rear at least three-quarters of the distance from the top of the tire to the horizontal centerline of the tire. Fender flaps may be attached to the rear fenders to provide the required length.

13:20-32.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with front and rear brakes adequate to control the movement of and stop the motorcycle within a safe distance; or, for 1973 and earlier model year motorcycles, the motorcycle is not equipped with at least one brake adequate to control the movement of and stop the motorcycle within a safe distance;
2. Levers (foot and hand) do not have at least one-third of their average travel distance as reserve after the brakes are fully applied;
3. Any leak in a hydraulic brake system; or
4. Any defect in mechanical components.

(b) A three-wheeled motorcycle shall be equipped with a parking brake in proper operating condition.

(c) The parking brake shall be able to hold the motorcycle stationary on any up or down grade upon which it can be operated, whether the motorcycle is empty or loaded.

(d) The parking brake shall be equipped with an automatic locking device which will hold the brake in the applied position.

(e) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motorcycle manufacturer's specifications) remaining.

(f) The service brakes on a three-wheeled motorcycle shall be properly equalized.

13:20-32.68 Helmets; motorcycles; official inspection facilities

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. There is not an approved type of safety helmet in the possession of the motorcycle operator. An approved type of safety helmet is marked to meet Standard Z90.1 of the American National Standards Institute or Federal Motor Vehicle Safety Standard 218, along with the manufacturer's or distributor's trademark;
2. The safety helmet is not equipped with either a neck or chin strap; or

3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. Helmets manufactured with built-in reflectorization shall also have affixed thereto the reflectorized tape.

13:20-32.69 Goggles or face shields; motorcycles; official inspection facilities

(a) A motorcycle operator is not required to have goggles or a face shield in his or her possession if the motorcycle is equipped with an approved type of windscreen in accordance with N.J.A.C. 13:20-32.53. If the motorcycle is not equipped with an approved type of windscreen, it shall not be certified unless the operator has in his or her possession either an approved type of goggles or an approved type of face shield.

(b) Approved type goggles and approved type face shields are marked to meet Standard Z2.1 or Standard Z87.1 of the American National Standards Institute or Regulation V-8. The letters and numbers Z2.1 or Z87.1 or V-8 appear on such goggles and face shields, along with the trademark of the manufacturer or distributor.

13:20-32.70 Seats; motorcycles; official inspection facilities

(a) Motorcycles designed for occupancy by two people shall have either one permanent seat designed for two persons, or a separate passenger seat located to the rear or side of the seat for the operator.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The seats are not equivalent in quality and safety to the original manufacturer's equipment;
2. Each seat is not securely mounted; or
3. The seats are not of sufficient strength or are mounted in such a manner that the operator and passenger cannot ride without crowding or interfering with the operation of the motorcycle.

13:20-32.71 Foot rests; motorcycles; official inspection facilities

(a) Motorcycles designed to carry more than one person shall be equipped with adequate foot rests for each passenger.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The foot rests are not equivalent in quality and performance to the original manufacturer's equipment;
2. The foot rests are not securely mounted;
3. The foot rests are not capable of supporting the full weight of the user; or
4. The foot rests for passengers are mounted in such a manner as to interfere with the operation of the motorcycle.

SUBCHAPTER 33. INSPECTION STANDARDS AND TEST PROCEDURES TO BE USED
BY LICENSED PRIVATE INSPECTION FACILITIES

13:20-33.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Certificate of approval" means an inspection sticker issued by an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, N.J.A.C. 13:20-43, N.J.A.C. 13:20-32 or this subchapter, whichever is applicable, and N.J.A.C. 7:27-15 and 7:27B-4 regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker issued by an official inspection facility evidencing that a motor vehicle has successfully passed a safety inspection but that the requirements of compliance with N.J.A.C. 13:20-43 and the rules adopted by the Department of Environmental Protection pertaining to emission inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single or combination (articulated) vehicle.

"Official inspection facility" means a test-only inspection facility that the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c. 112.

"Private inspection facility" means any person, partnership, or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by N.J.S.A. 39:8-1.

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

13:20-33.2 General provisions; Class I, II, and III licensees

(a) This subchapter contains the inspection standards and test procedures to be used by licensed private inspection facilities, including Class I and Class II licensed private inspection facilities when inspecting and certifying automobiles, trucks, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), and jitneys as defined in N.J.A.C. 13:20-44.2 for compliance with inspection standards, and Class III licensed private inspection facilities when inspecting and certifying motorcycles for compliance with inspection standards.

(b) A private inspection facility license authorizes the placement of an inspection certificate of approval on a motor vehicle upon:

1. Initial inspection as certification of compliance with inspection requirements; and
2. Reinspection as certification that defects for which the motor vehicle was initially rejected have been repaired, adjusted, or corrected to bring the motor vehicle into compliance with inspection requirements.

(c) An emission inspection or reinspection shall be performed by a motor vehicle emission inspector licensed in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17. The motor vehicle emission inspector shall sign his or her name on the motor vehicle inspection report upon completion of the inspection or reinspection of a motor

vehicle. A safety inspection or reinspection shall be performed by a mechanic possessing the qualifications set forth at N.J.A.C. 13:20-44.19. The mechanic shall sign his or her name on the motor vehicle inspection report or motorcycle inspection invoice upon completion of the inspection or reinspection of a motor vehicle or motorcycle.

(d) The fee which may be charged by a Class I licensed private inspection facility for an initial inspection shall not exceed the schedule of inspection charges displayed at the facility's place of business and on file with the Division of Motor Vehicles' Private Inspection Facility Licensing Unit. The schedule of inspection charges shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds.

(e) The fee which may be charged by a Class III licensed private inspection facility for an initial inspection shall not exceed one-quarter (1/4) of the private inspection facility's hourly labor charge. The schedule of inspection charges shall be displayed at the facility's place of business and filed with the Division of Motor Vehicles' Private Inspection Facility Licensing Unit.

(f) A Class I licensed private inspection facility shall not perform emission-related motor vehicle repairs unless it is registered with the Division as a motor vehicle emission repair facility in accordance with N.J.A.C. 13:20-45.

(g) If a licensed private inspection facility is authorized to make repairs, the condition of the rejected item(s) shall be brought into compliance with the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

(h) A private inspection facility license also requires reinspection and certification of a motor vehicle when the motor vehicle owner or lessee, or any other person authorized by the motor vehicle owner or lessee, has made the repairs, adjustments, or corrections. In such cases, the private inspection facility shall reinspect the rejected item(s) to determine if they conform to the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. If such defect(s) have been brought into compliance with the standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, an inspection certificate of approval shall be affixed to the motor vehicle.

A private inspection facility may charge a fee for such reinspection service for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles based on the facility's established hourly labor charge for repair service, but only that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR of 8,500 pounds or less by Class I licensees as set forth in Appendix A, which is incorporated herein by reference; or that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motor vehicles having a GVWR greater than 8,500 pounds by Class I licensees as set forth in Appendix B, which is incorporated herein by reference; or that portion of an hour which the Division has established to be the average time for reinspection of specific rejected items for motorcycles by Class III licensees as set forth in Appendix C, which is incorporated herein by reference.

(i) When an inspection is performed on a motor vehicle, the private inspection facility shall cause to be imprinted on the inspection invoice a stamp with the following:

**NEW JERSEY
DIVISION OF MOTOR VEHICLES
PRIVATE INSPECTION FACILITY**

LICENSE NO.

STICKER NO.

DATE:

(j) The private inspection facility license number, the inspection certificate of approval number, if applicable, and the date of inspection shall be contained on the stamp. Each private inspection facility shall purchase the above stamp from a commercial source.

(k) If an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), or jitney registered in New Jersey conforms to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, the motor vehicle shall be certified by a Class I or Class II licensee by removing the previous inspection certificate of approval, certificate of waiver, or inspection rejection sticker, if any, and replacing it with a current inspection certificate of approval. The inspection certificate of approval issued by a Class I or Class II licensee shall be affixed to the lower left corner of the windshield inside the passenger compartment of the motor vehicle, approximately three inches from the bottom of the windshield and approximately four inches from the left side of the windshield, but in every case, the inspection certificate of approval shall be completely visible from the front of the motor vehicle. The inspection certificate of approval shall be affixed in an upright position.

(l) If an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), or jitney registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, a Class I licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, and a Class I or Class II licensee shall deface the inspection certificate of approval or certificate of waiver affixed to the motor vehicle, if any, by cutting it in a diagonal manner from the upper right corner of the certificate to the lower left corner of the certificate as viewed from inside the passenger compartment of the motor vehicle and removing the lower

right half of such certificate. This shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5. If there is no previous certificate of approval or certificate of waiver affixed to the windshield, the motor vehicle inspection report or inspection card issued to the operator of the motor vehicle by the licensed private inspection facility shall be an indication that adjustments, corrections, or repairs to the motor vehicle which has failed inspection must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(m) Notwithstanding (l) above, if an automobile, truck, bus (including a modified bus regardless of passenger capacity which has been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), or jitney registered in New Jersey does not conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4 and the nature of the defect(s) found is such as to constitute a hazard to the public safety so as to require immediate repairs to such motor vehicle, a Class I licensee shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof, shall remove the previous inspection certificate of approval, certificate of waiver and/or inspection rejection sticker, if any, and shall affix a "48 hour" inspection rejection sticker to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A defect which constitutes a hazard to the public safety so as to require immediate repairs to a motor vehicle shall include, but not be limited to, the items specified in N.J.A.C. 13:20-7.6(b). The "48 hour" inspection rejection sticker shall be an indication that the defect(s) deemed to constitute a hazard to the public safety must be repaired and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.6(a).

(n) If a motorcycle registered in New Jersey conforms to the inspection standards set forth in this subchapter, the motorcycle shall be certified by a Class III licensee by affixing a current inspection certificate of approval to the right side of the rear license plate, equally centered between the upper right and lower right corners of the license plate, in such a position as to be easily visible for enforcement purposes. The inspection certificate of approval shall be affixed in an upright position. If there is a previous certificate of approval affixed to the rear license plate at the location specified in this subsection, the new certificate of approval shall be affixed so as to cover the previous certificate of approval. If there is a previous certificate of approval affixed to the rear license plate at a location other than that specified in this subsection, the new certificate of approval shall be affixed at the location specified in this subsection.

(o) If a motorcycle registered in New Jersey does not conform to the inspection standards set forth in this subchapter, the private inspection facility shall present the inspection card for such motorcycle to the operator thereof. The inspection card shall be an indication that adjustments, corrections, or repairs to the motorcycle which has failed inspection must be made and the motorcycle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(p) A motor vehicle inspection report may be marked "MUST BE REINSPECTED AT A STATE SPECIALTY INSPECTION FACILITY." When a motor vehicle inspection report is marked in this manner, a licensed private inspection facility shall neither reinspect nor

certify the motor vehicle, as it must be returned to a State specialty inspection facility for such reinspection and certification.

(q) If a motor vehicle is presented at a licensed private inspection facility for reinspection, the private inspection facility may reinspect the motor vehicle and certify it if the rejected item(s) have been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, and if there are no obvious safety or emission-related defects, provided the motor vehicle is presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 13:20-7.6(a), or 13:20-43.14(g), whichever is applicable. If the motor vehicle is presented for reinspection after such date, or if there are obvious safety or emission-related defects, the motor vehicle shall be subject to a complete reinspection.

(r) If a motor vehicle is presented at a licensed private inspection facility for reinspection and the rejected item(s) have not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, the licensed private inspection facility shall not remove the inspection rejection sticker previously affixed to the motor vehicle by an official inspection facility, nor shall the licensed private inspection facility remove the inspection certificate of approval or certificate of waiver previously defaced by a licensed private inspection facility in accordance with N.J.A.C. 13:20-33.2(l) as an indication that the motor vehicle has failed inspection.

(s) If a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has not been repaired, the licensed private inspection facility shall not issue a "48 hour" inspection rejection sticker to replace the "48 hour" inspection rejection sticker previously affixed to the motor vehicle.

(t) Notwithstanding (r) above, if a motor vehicle bearing a "48 hour" inspection rejection sticker is presented at a licensed private inspection facility for reinspection and the defect(s) previously deemed to constitute a hazard to the public safety has been repaired so as to conform to the inspection standards set forth in this subchapter and the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, but another rejected item(s) not deemed to constitute a hazard to the public safety has not been repaired, adjusted, or corrected so as to conform to the inspection standards set forth in this subchapter or the inspection standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4, the licensed private inspection facility shall remove the "48 hour" inspection rejection sticker previously affixed to the motor vehicle and shall present the motor vehicle inspection report or inspection card for such motor vehicle to the operator thereof. The motor vehicle inspection report or inspection card shall be an indication that adjustments, corrections, or repairs to the motor vehicle must be made and the motor vehicle presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5.

(u) Charges for initial inspections, reinspections, and repairs shall be listed separately on the inspection or repair invoice.

(v) A licensed private inspection facility shall not require, as a condition of performing the initial inspection, that any repairs, adjustments, or corrections be performed at the private inspection facility performing the inspection.

(w) Repairs, adjustments, or corrections shall not be performed on a motor vehicle at the licensed private inspection facility where the motor vehicle was inspected unless the customer signs a written acknowledgement and waiver that he or she understands his or her right to have the repairs, adjustments, or corrections performed elsewhere and expressly waives his or her rights. The acknowledgement/waiver shall contain at least the following information:

I understand my right to have inspection repairs, adjustments, and corrections performed elsewhere, and hereby choose to have such repairs, adjustments, and corrections performed at this facility.

Customer's Signature _____ Date _____

(x) Any motor vehicle presented for initial inspection shall undergo a complete inspection. Once the inspection has commenced it shall not be terminated until the motor vehicle is either certified or rejected. An inspection may be terminated prior to completion when the condition of the motor vehicle being inspected makes it unsafe to complete such inspection.

(y) Licensed private inspection facilities shall not be authorized to issue certificates of waiver. Certificates of waiver shall only be issued by official inspection facilities in accordance with N.J.A.C. 13:20-32.2 for motor vehicles which satisfy all of the requirements of N.J.A.C. 13:20-43.13.

(z) A licensed private inspection facility shall not issue a replacement inspection certificate of approval or certificate of waiver for any motor vehicle for which the current inspection certificate of approval or certificate of waiver has been lost, stolen, destroyed, or defaced, or for any motor vehicle which has had its windshield replaced. Such a replacement inspection certificate of approval or certificate of waiver shall only be issued by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(q).

13:20-33.3 Credentials; Class I and II licensees

The driver of a motor vehicle presented for inspection shall present a valid driver's license for the class of motor vehicle being operated, a valid New Jersey motor vehicle registration certificate, and a valid New Jersey insurance identification card for the motor vehicle, if applicable. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-33.4 License plates; Class I and II licensees

(a) A motor vehicle shall not be certified if the license plates are not in the possession of the operator when the motor vehicle is presented for inspection, or if the letters and/or numbers on the license plates are illegible.

(b) Certification of a motor vehicle shall not be refused because the following requirements are not met; however, the motorist shall be advised to have the condition corrected:

1. The license plates shall be clear and distinct and free from grease, dirt, or other blurring material so that they are plainly visible at all times of the day and night;

2. The license plates shall be securely attached to the front and rear of the motor vehicle, respectively;

3. The license plates shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out; provided, however, that the rear license plate may be displayed more than 48 inches from the ground on tank trucks, trailers and other commercial vehicles carrying inflammable liquids and on sanitation vehicles which are used to collect, transport and dispose of garbage, solid wastes and refuse;

4. The letters and/or numbers on the license plates shall agree with the letters and/or numbers on the registration certificate of the motor vehicle;

5. A license plate shall not be obstructed by a trailer hitch, snow plow bracket, bumper, bumper guard, sign, mounting bolt head, reflector, or by any other device or material;

6. The license plates shall not be covered by glass, plastic, or similar material;

7. The license plates shall not be bent or defaced; or

8. The registration plate decal(s) issued by the Division for use on the front and rear license plates shall indicate the month and year in which the registration certificate for the motor vehicle expires and shall be firmly attached to the front and rear license plates.

13:20-33.5 Steering and suspension; Class I and II licensees

(a) A motor vehicle which is equipped with a steering or suspension system in a condition not equivalent to the motor vehicle manufacturer's specifications shall not be certified.

(b) Starting with the front wheels in the straight-ahead position, the steering wheel shall be turned in one direction until there is a perceptible movement of a front wheel. When the steering wheel is turned in the other direction, a point on the steering wheel rim shall not move more than three inches before there is a perceptible return movement of the front wheel under observation. When this test is performed on motor vehicles which are equipped with power steering, the transmission shall be in "neutral" and the engine shall be running.

(c) With the front end of the motor vehicle lifted, the front and rear of a front tire shall be grasped and an attempt made to turn the tire and wheel assembly to the right and to the left. The free movement at the front or rear of the tire shall not exceed 1/4 inch. The top and bottom of a front tire shall then be grasped and moved in and out. The movement of the tire shall not exceed the manufacturer's specifications. Both front tires shall be tested in this manner.

(d) The steering wheel shall be turned through the limit of travel in both directions. There shall be no binding or jamming in the steering wheel mechanism.

(e) The steering wheel shall be a minimum of 13 inches in diameter.

(f) There shall be no wear or breakage of components of the steering or suspension system which adversely affects the safe operation of the motor vehicle. There shall be no visible caster or camber.

(g) Shock absorbers shall be properly installed and in proper operating condition. Shock absorbers shall not exhibit oil on the shock absorber housing attributable to leakage by the seal.

13:20-33.6 Front parking lights; Class I and II licensees

(a) Front parking lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "P", along with the manufacturer's name or trademark, are often on the lens of such lights.

(b) Front parking lights shall be white, yellow, or amber in color, and shall be securely mounted on the motor vehicle so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels. There shall be one front parking light mounted on each side of the vertical centerline of the motor vehicle at the same height and as far apart as practicable.

(c) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the defect corrected:

1. One or both of the front parking lights are inoperative; or
2. A front parking light lens is damaged or missing. Where the front turn signal lights are combined with the front parking lights, the motor vehicle shall not be refused certification because of a cracked lens; however, if the lens is cracked and a portion of the lens is separated or missing, the motor vehicle shall be refused certification.

13:20-33.7 Glazing; Class I and II licensees

(a) All glazing used on motor vehicles manufactured after July 1, 1935, shall be an approved type of glazing which is legibly and permanently marked with the manufacturer's name, trademark, DOT number, "AS" number, or other distinctive designation under which the glazing was approved, so as to be visible when the glazing is installed in the motor vehicle. The proper type of glazing shall be used for each location in a motor vehicle. The approved locations for the various types of glazing are as follows:

1. AS-1: Mandatory in windshields but may be used for any other window in a motor vehicle;
2. AS-2: Anywhere except windshields;
3. AS-3: Rear side windows on buses;
4. AS-4, AS-5, AS-6 and AS-7: Rear windows of convertibles and windows (except windshields) which can be readily removed without the use of tools;
5. AS-8 and AS-9: Rear windows of buses;
6. AS-10: Bullet-resistant windshields;
7. AS-11: Bullet-resistant windows except windshields;
8. AS-12 and AS-13: Windows (except windshields) which can be readily removed without the use of tools.

(b) All openings in a motor vehicle which were originally manufactured with glazing shall be equipped with an approved type of glazing.

(c) Certification of a motor vehicle shall be refused if the motor vehicle is equipped with glazing which causes undue or unsafe distortion of visibility for the driver, or is equipped with unduly fractured, broken, cracked, discolored, scratched, or deteriorated glazing, or is equipped with glazing with sharp edges.

(d) A motor vehicle shall not be certified which has tinted spray or plastic material added to previously approved glazing in the front windshield or windows, vents, wings,

deflectors, or side shields to the immediate right or left of the driver, because such condition changes the vision and light transmission properties of the glazing in areas where driver visibility shall not be obscured or obstructed. The high-mounted rear stoplight on motor vehicles required to be equipped with such a light shall not be obstructed by such add-on material.

(e) A motor vehicle shall not be certified which has defrosters of the "electric element" type installed on any window which obstruct the driver's vision. Motor vehicles manufactured with the heating element as an integral part of an approved type of glazing shall not be refused certification.

(f) The window on the driver's side shall be capable of being readily opened to permit arm direction signals to be made by the driver. The presence of approved turn signals does not satisfy this requirement except on buses and trucks over 80 inches in width.

(g) Any motor vehicle may have the rear window and/or side windows to the rear of the driver tinted or covered in some manner so as to partially obscure the driver's vision and any motor vehicle registered for commercial purposes and constructed on a truck chassis (including noncommercial trucks registered pursuant to N.J.S.A. 39:3-8.1) may have the rear window and/or side windows to the rear of the driver painted, tinted, or constructed in some manner so as to obstruct or obscure the driver's vision, provided that the motor vehicle is equipped with an exterior mirror on each side of the motor vehicle. If glazing material remains in any of the window openings specified in this subsection, the approval markings shall be visible.

(h) A motor vehicle shall not be certified which has mirror-type material on any window.

13:20-33.8 Obstruction to driver's vision; Class I and II licensees

(a) No accessory or other object shall be mounted in such a manner as to interfere with the driver's vision.

(b) Signs, posters, stickers, or other non-transparent material shall not be placed upon the windshield, wings, deflectors, side shields, or front side windows of any motor vehicle; provided, however, the inspection certificate of approval, certificate of waiver, inspection rejection sticker, an automatic vehicle identification system transponder approved by the Director in accordance with N.J.A.C. 13:20-10, or any other sticker approved by the Director, is permitted.

(c) A motor vehicle shall not be certified which has an air scoop on the engine hood if the scoop is so high that it obstructs more than a three inch high area of the windshield glass. The height of the obstructed area of the windshield glass shall be measured by placing a straight edge on the top of the scoop and holding the straight edge in a level position with one end contacting the windshield glass.

13:20-33.9 Horn; Class I and II licensees

(a) Certification of a motor vehicle shall be refused for any of the following reasons:

1. A horn which is inoperable;
2. A horn which is not audible under normal conditions from a distance of not less than 200 feet;
3. A horn which is not securely fastened to the motor vehicle;

4. A horn which has a broken button or switch, or a horn which does not have a button or switch. (For example, a horn which is activated by grounding a bare wire shall not be certified.);

5. A horn which has an activating button or switch beyond the reach of the driver;

6. A horn button which is located in a place that is not readily conspicuous to the driver, or a horn button which requires the driver to take his or her eyes off of the road to activate the horn;

7. A horn ring which is broken so as to be likely to cause injury or to snag clothing; or

8. A motor vehicle which is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24); provided, however, that any motor vehicle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motor vehicle shall not be refused for the following reasons; however, the motorist shall be advised to have the condition corrected:

1. A horn which emits an unreasonably loud or harsh sound. An unreasonably loud horn, such as an air horn, is permitted on a motor vehicle, provided the motor vehicle is also equipped with a standard horn for use in residence or business districts; or

2. A horn which can only be sounded by a portion of the horn activation device.

13:20-33.10 Windshield wipers; Class I and II licensees

(a) Every motor vehicle having a windshield shall be equipped with at least one windshield wiper in proper operating condition to provide clear vision for the driver. A motor vehicle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motor vehicle.

(b) If a motor vehicle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-33.11 Clearance lights; Class I and II licensees

(a) Clearance lights are lights which show to the front and rear of the vehicle, respectively, mounted on a permanent part of the vehicle as near as practical to the upper left and right extreme edges so as to indicate the overall width and height of the vehicle.

(b) A truck or bus 80 inches or more in width manufactured after January 1, 1965, shall be equipped with two amber clearance lights on the front of the vehicle and two red clearance lights on the rear of the vehicle.

(c) Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC", along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(d) Every clearance light shall be permanently and securely mounted on a permanent part of the vehicle.

(e) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

13:20-33.12 Turn signals and hazard warning signals; Class I and II licensees

(a) Every motor vehicle, other than a noncommercial motorcycle, shall be equipped with two front and two rear turn signals, except that a passenger vehicle manufactured before July 2, 1954, is not required to be equipped with turn signals. When any motor vehicle, regardless of the date of its manufacture, is equipped with turn signals, the turn signals shall be in proper operating condition.

(b) All turn signal and hazard warning signal systems including lights, flashers and operating units shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE", along with the manufacturer's name and trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights.

(c) Front turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Front turn signal and hazard warning signal lights shall emit a flashing white or amber light visible for a distance of 500 feet.

(d) Rear turn signal and hazard warning signal lights shall be mounted on each side of the vertical centerline at the same level and as widely spaced laterally as practical. Rear turn signal and hazard warning signal lights shall emit a flashing red or amber light visible for a distance of 500 feet.

(e) All turn signal lights shall be permanently and securely mounted in such a manner so as to reduce the likelihood of their being obscured by mud or dust thrown up by the wheels.

(f) A turn signal light shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material if such obstruction reduces the visible area of the turn signal light to less than three and one-half square inches on a passenger automobile, truck, bus, or jitney which is less than 80 inches in overall width, or reduces the visible area of the turn signal light to less than 12 square inches on a truck, bus, or jitney which is 80 inches or more in overall width.

(g) Turn signal lights shall flash from 50 to 130 times per minute. The "on" period of the flashes shall be long enough to permit the bulb filaments to reach full brightness.

(h) All turn signal light systems and components shall be in proper operating condition. Certification of a motor vehicle shall not be refused because a turn signal light has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

13:20-33.13 Reflectors; Class I and II licensees

(a) Reflectors are devices designed and used on vehicles to give an indication to an approaching driver by reflected light.

(b) Reflectors shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases.

(c) Passenger vehicles manufactured before July 2, 1954, shall have one Class A or Class B red reflector mounted on the rear of the vehicle.

(d) Passenger automobiles manufactured after July 1, 1954, shall have two Class A red or two Class B red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(e) All passenger automobiles with commercial registration and all trucks and buses shall have two Class A red reflectors mounted on the rear of the vehicle on each side of the vertical centerline at the same level and as widely spaced laterally as practical.

(f) A truck or bus 80 inches or more in width manufactured after January 1, 1965, shall have one Class A amber reflector mounted on each side of the vehicle as far to the front as practicable and one Class A red reflector mounted on each side of the vehicle as far to the rear as practicable.

(g) The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the vehicle stands. Reflectors shall be permanently and securely mounted on a permanent part of the vehicle.

(h) Any reflector, otherwise properly mounted, may be securely installed on flexible strapping or belting provided that under conditions of normal operation it reflects light in the required direction.

(i) The mounted height of a reflector shall be measured from the center of the reflector to the level surface upon which the vehicle stands.

13:20-33.14 Identification lights; Class I and II licensees

(a) Identification lights are used in groups of three in a horizontal row which show to the front and rear of a motor vehicle, respectively, and have light centers spaced not less than six inches nor more than 12 inches apart.

(b) A truck or bus 80 inches or more in width manufactured after January 1, 1965, shall be equipped with three amber identification lights on the front of the vehicle and three red identification lights on the rear of the vehicle. If the cab is not more than 42 inches wide at the front roof line, a single identification light at the centerline of the cab shall be deemed to comply with the requirements for front identification lights.

(c) Identification lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P" or "P2", along with the manufacturer's name and trademark, are on the lens of such lights in most cases.

(d) Every identification light shall be permanently and securely mounted on a permanent part of the vehicle as close as practical to the vertical centerline and the top of the vehicle.

No part of front identification lights or their mountings shall extend below the top of the vehicle windshield.

13:20-33.15 Side-marker lights; Class I and II licensees

(a) Side-marker lights are lights on the left and right sides near the front and rear of a motor vehicle that show to the side and are intended to indicate vehicle length.

(b) A truck or bus 80 inches or more in width manufactured after January 1, 1965, shall be equipped with one amber side-marker light mounted on each side at or near the front of the vehicle and one red side-marker light mounted on each side at or near the rear of the vehicle. Side-marker lights shall be of a type approved as meeting the standards of the United State Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC", along with the manufacturer's name or trademark, are on the lens of such lights in most cases.

(c) Every side-marker light shall be permanently and securely mounted on a permanent part of the vehicle. Side-marker lights may be mounted at optional height on the side of the vehicle.

(d) A combination clearance and side-marker light is a single light which fulfills the requirements of both a clearance light and a side-marker light.

13:20-33.16 Taillights and license plate light; Class I and II licensees

(a) Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two red taillights and at least two red reflectors, one at each side of the vertical centerline at the same height and as far apart as practicable, except that a passenger vehicle manufactured before July 2, 1954, may be equipped with one red taillight and one red reflector.

(b) Taillights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "T", along with the manufacturer's name or trademark, are often on the lens of such lights.

(c) Taillights shall exhibit a red light visible from a distance of 500 feet to the rear of the vehicle. The lights shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.

(d) Taillights shall be permanently and securely mounted on a permanent part of the vehicle. The mounted height of taillights, as measured from the center of the lens to the level surface upon which the vehicle stands, shall be not less than 15 inches nor more than 72 inches.

On any vehicle designed for carrying flammable liquids as cargo, the taillights may be mounted higher than 72 inches. When two taillights are required, they shall be mounted at the same level and spaced as far apart laterally as practical.

(e) Certification of a motor vehicle shall not be refused because a taillight has a cracked lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

(f) If a motor vehicle is equipped with two or more taillights on each side, it shall not be refused certification because some of the taillights are not operative, provided at least one taillight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle shall be refused if the license plate light is inoperative. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "L", along with the manufacturer's name or trademark, are often on the lens of such lights.

13:20-33.17 Stoplights; Class I and II licensees

(a) Every motor vehicle, other than a motorcycle, shall be equipped on the rear with at least two stoplights, one on each side of the vertical centerline at the same height and as far apart as practicable, except that a passenger vehicle manufactured before July 2, 1954, may be equipped with one stoplight. All passenger automobiles manufactured on or after September 1, 1985, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less, manufactured on or after September 1, 1993, shall, in addition, be equipped with a high-mounted rear stoplight on the vertical centerline. All multipurpose passenger vehicles, trucks, and buses whose overall width is less than 80 inches and whose GVWR is 10,000 pounds or less and whose vertical centerline, when the vehicle is viewed from the rear, is not located on a fixed body panel but separates one or two moveable body sections, such as doors, and which lacks sufficient space to install a single high-mounted stoplight on the centerline above such body sections, and which is manufactured on or after September 1, 1993, shall, in addition, be equipped with two high-mounted rear stoplights.

(b) All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S", along with the manufacturer's name or trademark, are often on the lens of such lights.

(c) Stoplights shall exhibit a red or amber color and shall be visible from a distance of 500 feet to the rear of the vehicle when activated by application of the brake. The stoplights, including high-mounted rear stoplights, shall not be obstructed by any part of the chassis, body, or bumper, or by any type of add-on device or material.

(d) Stoplights shall be permanently and securely mounted on a permanent part of the vehicle. Certification of a motor vehicle shall not be refused because a stoplight has a cracked

lens, provided no white light shows to the rear of the motor vehicle and no portion of the lens is missing. However, the motorist shall be advised to have the defect corrected.

(e) If a motor vehicle is equipped with two or more stoplights on each side, it shall not be refused certification because some of the stoplights are not operative, provided at least one stoplight on each side of the motor vehicle is operative. However, the motorist shall be advised to have the defect corrected.

(f) If a motor vehicle is equipped with a high-mounted rear stoplight(s) with multiple bulbs, it shall not be refused certification because some of the stoplight bulbs are not operative, provided at least one such high-mounted rear stoplight bulb is operative. However, the motorist shall be advised to have the defect corrected.

(g) Certification of a motor vehicle which is equipped with a high-mounted rear stoplight shall be refused if the stoplight is so wired that it illuminates when the turn signal lights are activated.

13:20-33.18 Wheels; Class I and II licensees

(a) Wheels shall turn freely and the lateral or radial runout of the rim bead shall not exceed the motor vehicle manufacturer's specifications.

(b) Wheels shall be securely mounted and there shall be no visible cracks, elongated bolt holes, broken bolts, missing bolts or nuts, indication of repair by welding, or other defects which adversely affect the safe operation of the motor vehicle.

13:20-33.19 Tires; Class I and II licensees

(a) The tread on each tire shall not be less than 2/32 of an inch deep.

(b) Many tires have tread depth indicators that become exposed when the tread depth is less than 2/32 of an inch. Tread depth indicators shall be inspected and a tire rejected if it is worn so that the indicators are visible in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire. For tires without tread depth indicators, the tread depth shall be measured with a tire tread depth gauge.

(c) Tires shall be free from chunking, bumps, knots, or bulges evidencing cord, ply, or tread separation from the casing or other adjacent materials. Tire cords or belting materials shall not be exposed.

(d) There shall not be any mismatch in nominal tire size, construction, or profile between tires on the same axle, or any deviation from the motor vehicle manufacturer's tire recommendations. Tire tread shall not protrude beyond the fenders.

(e) Tires on motor vehicles registered for use on a public highway shall not be marked "FOR FARM USE ONLY," "OFF HIGHWAY USE ONLY," or "FOR RACING USE ONLY." Tires which were originally manufactured with extra undertread material and are marked "REGROOVABLE" may be regrooved below the original tread depth.

(f) Studded tires may not be used on a public highway in New Jersey earlier than November 15 or later than April 1 of any winter season. Certification of a motor vehicle shall not be refused because of the improper use of studded tires; however, the motorist shall be advised to have the condition corrected.

13:20-33.20 Exhaust system; Class I and II licensees

(a) The following shall not be certified:

1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;

2. An exhaust system if there is evidence of tampering with emission control apparatus in violation of N.J.A.C. 7:27-15.7;

3. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;

4. An exhaust system if there is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;

5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;

6. An exhaust system in which all parts are not properly mounted. The entire exhaust system shall be in such condition that it cannot burn or cause injury to any person. Exposed exhaust pipes, stacks, or other parts of the exhaust system which might burn a person or cause injury shall be protected in a permanent and effective manner; or

7. An exhaust system installed in a manner that any part thereof passes through the passenger compartment of the motor vehicle. The exit point for the exhaust gas shall be located so that dangerous amounts of exhaust gas will not enter the passenger compartment under normal vehicle use even with the windows open or the outside air inlets to the heater or air conditioner open. A replacement exhaust system is acceptable provided it is specifically manufactured for the motor vehicle by a company which guarantees that the exhaust system has a safe exhaust gas exit location.

(b) Notwithstanding (a) above, certification of a motor vehicle shall not be refused because a muffler has drain holes which were placed in it at the time of manufacture for drainage purposes.

13:20-33.21 Prescribed emission test(s); Class I and II licensees

With respect to each gasoline-fueled or bi-fueled motor vehicle presented for inspection, a licensed private inspection facility shall conduct the emission test(s) specified for such motor vehicle at N.J.A.C. 13:20-43.8 in accordance with the inspection standards and test procedures established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.

13:20-33.22 Emission test equipment calibration; Class I and II licensees

The emission test equipment shall be calibrated and maintained in accordance with the manufacturer's requirements and the general instructions for all tests adopted by the Department of Environmental Protection at N.J.A.C. 7:27B-4.2.

13:20-33.23 Headlights; Class I and II licensees

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights mounted at the same level with an equal number on each side of the front of the motor vehicle. Headlights shall emit only a white light and shall be tested for proper operation. Headlights shall not be tested for aim unless they have been previously rejected at inspection for one of the reasons set forth in this section. If headlight aim testing is required, the headlight aim shall meet the specifications listed below:

1. High beam aim specifications:

- i. Vertical aim: From four inches above to five inches below;
 - ii. Horizontal aim: From six inches right to six inches left.
- 2. Low beam aim specifications:
 - i. Vertical aim: From three inches below to 14 inches below;
 - ii. Horizontal aim: From eight inches right to 23 inches right.
- (b) The headlight aim specifications set forth in (a) above refer to the location of the "hot spot" (the center of the high intensity portion of the beam pattern) based on a distance of 25 feet from the test screen. The vertical aim specifications indicate the distance the "hot spot" shall be above or below the horizontal centerline straight ahead of the headlight center. The horizontal aim specifications indicate the distance the "hot spot" shall be to the right or to the left of the vertical centerline straight ahead of the headlight center.
- (c) SAE visual inspection limits for the vertical aim of the "hot spot" of Type 1 headlight units are from four inches above to four inches below, and for the horizontal aim of the "hot spot" of Type 1 headlight units are from four inches right to four inches left.
- (d) SAE visual inspection limits for the top edge of the high intensity zone of Type 2 headlight units are from four inches above to four inches below, and for the left edge of the high intensity zone of Type 2 headlight units are from four inches left to four inches right.
- (e) If headlight aim is inspected with a mechanical aimer, the inspection specifications for both Type 1 and Type 2 headlight units shall be four inches above to four inches below and four inches left to four inches right.
- (f) Headlights shall be properly installed so that their beams are readily adjustable, both vertically and horizontally, and their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation.
- (g) Headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.
- (h) A motor vehicle having a headlight with a cracked, broken, or missing lens, or a headlight with insufficient light intensity, shall not be certified; provided, however, that a motor vehicle shall not be refused certification because the headlight has a bullseye-type hole which has been repaired in a proper manner.
- (i) There shall be no auxiliary equipment, such as colored spray, on the lens, visor, reflector, or other attachment which is not included in the standards of the United States Department of Transportation or, for motor vehicles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers.
- (j) On motor vehicles equipped with four headlights, the Type 2 headlight shall be mounted above or to the outside of the Type 1 headlight. A motor vehicle which is equipped with recessed headlights shall, when such headlights are illuminated, have nothing covering them or in front of them except clear glass. A 1969 or later model year motor vehicle equipped with headlights which, when in use, have any styling or other features, such as a glass cover or grille in front of the lens, shall not be certified.
- (k) Retractable headlights shall be in the fully open position when the headlights are tested.
- (l) Motor vehicles which are used for plowing snow may have an extra set of headlights mounted above the plow. Switching shall be provided so that either set of headlights may be used, but not both.

(m) A motor vehicle shall not be refused certification because of a missing headlight rim or rims; however, the motorist shall be advised to have the defect corrected.

13:20-33.24 Rear view mirrors; Class I and II licensees

(a) A motor vehicle shall not be certified if it is not equipped with at least one rear view mirror. A passenger automobile manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side.

(b) A commercial motor vehicle manufactured after January 1, 1965, shall be equipped with an interior mirror and an exterior mirror on the driver's side, except that every such vehicle so constructed or loaded as to obstruct or obscure a rear view from an interior mirror shall, in lieu of an interior mirror, be equipped with an exterior mirror on the side of the vehicle opposite the driver's side.

(c) Mirrors shall be securely mounted and located and adjusted so as to provide the driver adequate rear view vision. Mirrors shall not obstruct the driver's forward vision. Concave or convex mirrors shall not be used in place of the interior mirror or the driver's side exterior mirror.

(d) A motor vehicle shall not be certified if a mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges.

(e) Mirrors shall be capable of adjustment to a fixed horizontal and vertical position.

13:20-33.25 Miscellaneous lights; Class I and II licensees

(a) All miscellaneous lights used on motor vehicles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE", along with the manufacturer's name and trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F;
2. Spot lights = O;
3. Emergency warning lights = W or W1 or W3;
4. Supplemental driving or passing lights = Y or Z.

(b) Any motor vehicle may be equipped with not more than two auxiliary driving lights mounted on the front of the vehicle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be aimed in conformance with the standards of the Society of Automotive Engineers applicable to the particular type of auxiliary driving light. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned nor readily disturbed by ordinary vehicle operation. Auxiliary driving lights shall be of a type approved by the Director.

1. Fog lights are auxiliary driving lights which may be used with the low beam headlights to provide general illumination ahead of a motor vehicle. A fog light shall be white, yellow, or amber in color. Approved fog lights shall meet the requirements of SAE J-583d.

2. Passing lights are also known as auxiliary low beam driving lights and are designed to supplement the lower beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-582a. Passing lights shall be wired so that they are controlled by a switch separate from the headlight switch.

3. Supplemental driving lights are auxiliary driving lights which may be used to supplement the upper beam of a standard headlight system. Approved lights shall meet the requirements of SAE J-581. Supplemental driving lights shall be wired so that they are controlled by a switch separate from the headlight switch.

(c) A spot light is a light which can be aimed at will. Any motor vehicle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O", along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Spot lights shall be of a type approved by the Director. Approved spot lights shall meet the requirements of SAE J-591b.

(d) Any motor vehicle may be equipped with not more than two side cowl or fender lights which shall emit a white or yellow light without glare.

(e) Any motor vehicle may be equipped with not more than one running board courtesy light on each side thereof which shall emit a white or yellow light without glare.

(f) Any motor vehicle may be equipped with one or more back-up lights, either separately or in combination with other lights. No back-up light shall be illuminated when the motor vehicle is in forward motion.

(g) On motor vehicles used for plowing snow, there may be auxiliary driving lights connected to either the parking light system or the low beam headlight system. If sealed beam headlight units are used for the auxiliary driving lights, they shall be wired so that the taillights will be illuminated when the auxiliary driving lights are turned on. Auxiliary turn signal lights are also permitted on such motor vehicles.

(h) Flashing lights are prohibited on motor vehicles (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(i) A motor vehicle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motor vehicle.

(j) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the vehicle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(k) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or

2. A clearance light with a taillight or an identification light.

(l) Motor vehicles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on vehicle sides);

2. K: Cornering lights;

3. R: Back-up lights;

- 4. U: Supplemental high-mounted stop and turn signal lights;
- 5. V: Liquid burning emergency flares;
- 6. W4: Emergency reflex reflectors;
- 7. X: Emergency lanterns.

13:20-33.26 Wiring and switching; Class I and II licensees

(a) Certification of a motor vehicle shall be refused for any of the following reasons:

- 1. The wiring is not in proper condition, is improperly installed, or is so located as to cause damage;**
- 2. Any connection that is not secure or shows signs of corrosion;**
- 3. The switches are not in proper condition or do not function properly;**
- 4. Any light circuit that does not light the proper filament when the appropriate switch position is applied; or**
- 5. Any defect in wiring and/or switching which adversely affects the lighting performance of any exterior light.**

(b) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches, provided the safe operation of the motor vehicle is not adversely affected.

(c) Certification of a motor vehicle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motor vehicle is not adversely affected.

13:20-33.27 Headlight beam indicator light; Class I and II licensees

Certification of a motor vehicle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorist shall be advised to have the defect corrected.

13:20-33.28 Turn signal and hazard warning signal indicator lights; Class I and II licensees

(a) Certification of a motor vehicle shall not be refused because of an inoperative turn signal indicator light and/or an inoperative hazard warning signal indicator light; however, the motorist shall be advised to have the defect corrected.

(b) If any turn signal indicator light is not readily visible to the driver, there shall be an illuminated indicator to give the driver a clear and unmistakable indication that the turn signal system is turned "on".

(c) In motor vehicles equipped with a single turn signal indicator, a separate hazard warning signal indicator shall flash and the turn signal indicator may flash while the hazard warning signal system is turned "on".

(d) In motor vehicles equipped with right and left turn signal indicators, both indicators or separate indicators shall flash simultaneously while the hazard warning signal system is turned "on".

(e) If a separate indicator light is used for the hazard warning signal system, it shall emit a red color and have a minimum area equivalent to a 1/2 inch diameter circle.

13:20-33.29 Antenna; Class I and II licensees

Any antenna mounted on a motor vehicle shall be securely attached so as not to swing or project in a hazardous manner. Certification of a motor vehicle shall not be refused because of an insecure antenna; however, the motorist shall be advised to have the condition corrected.

13:20-33.30 Body; Class I and II licensees

The motor vehicle body panels, floor pan and other sections shall be in good condition, and shall not be rusted out or missing. The motor vehicle body shall be free of rips and sharp edges which could cause injury.

13:20-33.31 Bumpers; Class I and II licensees

Bumpers, if present, shall be securely mounted on a motor vehicle and in good condition with no sharp or protruding parts or edges which could cause injury. Front and rear bumper heights shall be in accordance with the motor vehicle manufacturer's specifications.

13:20-33.32 Doors; Class I and II licensees

(a) The motor vehicle doors and all door operating devices, handles, buttons, hinges, and latches shall be in proper operating condition. A method of opening the door from the outside is not required on motor vehicles with fabric tops which are equipped with glazing material which can be readily removed without the use of tools.

(b) Motor vehicles designed and manufactured with doors shall be equipped with doors.

(c) Motor vehicles designed and manufactured without doors shall be equipped with seat belts or a strap, chain, or restraining device of some type across the openings.

13:20-33.33 Fenders and fender flaps; Class I and II licensees

(a) The motor vehicle fenders shall be securely mounted and shall have no rips or sharp edges which could cause injuries to persons.

(b) Fenders shall cover the width of the tire tread. The rear fenders shall be designed and installed so as to prevent the wheels of the motor vehicle from throwing dirt, water, or other material onto other motor vehicles. Fender flaps may be attached to the rear fenders to provide the necessary wheel coverage.

13:20-33.34 Fuel system; Class I and II licensees

Fuel leakage at any point in the motor vehicle fuel system shall be cause for rejection. The fuel tank and piping shall be securely mounted and in proper condition, and the fuel tank shall be properly capped.

13:20-33.35 Hood; Class I and II licensees

Motor vehicles shall be equipped with an engine hood. The hood shall be properly secured and latched, and all hinges, latches, and other components shall be in proper operating condition.

13:20-33.36 Lettering; Class I and II licensees

(a) Vehicles used for commercial purposes on a street or highway, except for passenger automobiles and vehicles owned or leased by a pharmacy and utilized for the transportation or delivery of drugs, shall have conspicuously displayed on the vehicle, or on a name plate attached to the vehicle, the name of the owner, lessee, or lessor of the vehicle, and the name of the municipality in which the owner, lessee, or lessor has his or her principal place of business. Franchised public utilities and operators of fleets of 50 or more commercial vehicles shall be exempted from displaying the name of the municipality, provided that their vehicles display a corporate identification number. The sign or the name plate shall be in plain view and the lettering shall be as close as possible to three inches high. Certification of a commercial vehicle shall not be refused because the vehicle fails to display the owner's name and business address; however, the motorist shall be advised to have the condition corrected.

(b) A noncommercial truck, registered as a passenger vehicle pursuant to N.J.S.A. 39:3-8.1, is issued passenger vehicle license plates by the Division. Such a noncommercial truck shall not have any advertising, signs, lettering, names, or addresses on its exterior, excepting trademarks and labels of the manufacturer and dealer. Certification of a noncommercial truck shall not be refused because the truck displays any type of lettering; however, the motorist shall be advised to have the condition corrected.

(c) Certification of a vehicle with a GVWR of 26,001 pounds or more shall not be refused because the GVWR is not displayed on the vehicle; however, the motorist shall be advised to have the condition corrected.

13:20-33.37 Ornaments; Class I and II licensees

All motor vehicle ornaments shall be free of sharp parts or edges which could cause injury to persons.

13:20-33.38 Pedals; Class I and II licensees

Brake, clutch, and accelerator pedals shall have rubber pads or some other method of providing the pedals with a non-skid surface. All pedals shall be in proper operating condition.

13:20-33.39 Racks or carriers; Class I and II licensees

A motor vehicle may be equipped with racks or carriers provided the maximum vehicle dimensional limits set forth in N.J.S.A. 39:3-84 are not exceeded and provided they do not create a dangerous condition which may cause injury to persons.

13:20-33.40 Reflective tape; Class I and II licensees

Reflective tape of a color amber to white may be displayed on the front of a motor vehicle. Reflective tape of a color red or amber to white may be displayed on the rear of a motor vehicle.

13:20-33.41 Seats; Class I and II licensees

All motor vehicle seats shall be securely mounted and free of hazardous conditions. The driver's seat shall lock securely in a position that permits the safe operation of the motor vehicle.

13:20-33.42 Seat belts; Class I and II licensees

(a) All motor vehicles which are required by law to be equipped with seat belts shall be in compliance with Federal Motor Vehicle Safety Standards 208 and 209.

(b) Seat belts and their anchorage units, or other restraining devices, shall be of a type approved as meeting the standards of the United States Department of Transportation or the specifications of the Society of Automotive Engineers. The buckles and anchorage units shall be in good condition and the webbing shall not be dangerously worn or cut.

13:20-33.43 Gear shift indicator; Class I and II licensees

A motor vehicle equipped with an automatic transmission shall be equipped with a gear shift indicator in proper operating condition. Certification of a motor vehicle shall not be refused because of a minor misalignment of a gear shift indicator (that is, a misalignment of not more than one-half the distance between shift positions); however, the motorist shall be advised to have the defect corrected.

13:20-33.44 Transmission; Class I and II licensees

The transmission of a motor vehicle shall operate properly and shall be capable of operating in reverse. A reverse detent mechanism shall be present and shall be in proper operating condition.

13:20-33.45 Television; Class I and II licensees

A motor vehicle shall not have a television installed in such a manner that the viewing screen is visible to the driver while he or she is operating the motor vehicle.

13:20-33.46 Trunk lid; Class I and II licensees

A motor vehicle trunk lid shall be capable of being securely fastened in accordance with the motor vehicle manufacturer's original design and specification.

13:20-33.47 Service brakes (including service brake equalization and service brake pedal reserve); Class I and II licensees

(a) The inspection for motor vehicle service brake pedal reserve shall be performed as set forth in this section. "Pedal reserve" is the amount of total pedal travel left in reserve when the pedal is depressed to the brake applied position. The service brake pedal reserve test does not apply to air brake systems.

(b) With the motor vehicle stationary and the service brake pedal depressed under a moderate foot force (that is, a force of 25 pounds for power brakes and 50 pounds for other brakes), there shall be a minimum of one-fifth of the total average pedal travel (as per the motor vehicle manufacturer's specifications) remaining. The motor vehicle engine shall be running when power brakes are tested. In the event that the adequacy of the service brake pedal reserve on a motor vehicle equipped with disc brakes is in question, the pedal reserve shall be tested when the brakes are applied while the motor vehicle is being driven. The service brake pedal reserve test is not required for motor vehicles equipped with full power (central hydraulic) brake systems or for motor vehicles with brake systems designed to operate with less than one-fifth pedal travel.

(c) With the service brake pedal depressed to the brake applied position for ten seconds under a foot force of approximately 125 pounds, there shall be no perceptible decrease in pedal height and, if the motor vehicle is so equipped, no illumination of the brake system failure indicator light. If a motor vehicle is so equipped, the brake system failure indicator light shall be in proper operating condition.

(d) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. Brake hoses shall not be cracked, chafed, or flattened. Protective devices, such as "rub rings," are not to be considered part of the brake hose.

(e) Hydraulic or air brake line tubing shall be specially designed for automotive hydraulic or air brake line use. Tubing designed for gasoline or oil lines is not acceptable for use as hydraulic or air brake lines.

(f) If the motor vehicle inspection report indicates that a motor vehicle was previously rejected for service brakes or service brake equalization, at least one front wheel of the motor vehicle shall be removed so that it can be determined whether the internal parts of the brake are in proper condition. Any wear, breakage, or malfunctioning of the brake system which would adversely affect the safe operation of the motor vehicle shall be cause for rejection.

(g) The brake drum diameter or disc brake rotor thickness shall be measured. If the brake drum is embossed with a maximum safe diameter dimension or the brake rotor is embossed with a minimum safety thickness dimension, the drum or disc shall be within such specification. These dimensions will be found on motor vehicles manufactured after January 1, 1971, and may be found on motor vehicles manufactured prior to that date. If the drums and discs are not so embossed, the drums and discs shall be within the manufacturer's specifications.

(h) The brake lining or pad shall be visually examined, and the height of the rubbing surface of the lining or pad over the rivet heads shall be measured. The bonded lining or bonded pad thickness over the shoe surface shall be measured at the thinnest point of the lining or pad.

(i) The thickness of a riveted lining or pad on each brake shall be not less than 1/32 of an inch over the rivet heads. The thickness of a bonded lining or pad shall be not less than 1/32 of an inch over the brake shoe or shoe plate. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(j) Backing plates and caliper assemblies shall not be deformed or cracked. Brake system parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled properly and installed correctly.

(k) The vacuum brake hoses shall be examined visually and aurally with the motor vehicle engine running. The hoses shall not be collapsed, abraded, broken, improperly mounted, or audibly leaking.

(l) The motor vehicle engine shall be turned off and the service brake applied several times to destroy vacuum in the system. The brake pedal shall be depressed with 25 pounds of force and, while maintaining such force, the engine started. The brake pedal shall fall slightly under force when the engine starts. This test is not applicable to motor vehicles equipped with full power (central hydraulic) brake systems, as the service brake performance test shall be considered an adequate test of system performance for such motor vehicles.

(m) After insuring that the tires are properly inflated, a Type 1, Type 2, or Type 3 brake performance test shall be conducted:

1. Type 1: If the brakes are tested on a drive-on platform or roller-type brake tester, the results shall show some brake force produced by each wheel brake and the total brake force shall be equal to at least 43.5 percent of the gross vehicle weight. This is equivalent to a deceleration of 14 feet per second, which shall produce a stop from a speed of 20 miles per hour in 30 feet. The braking force on a front wheel or on a rear wheel shall not be less than 65 percent of the braking force developed on the other front wheel or rear wheel, respectively. The service brake shall have a minimum front to rear brake ratio of 40 percent and a maximum front to rear brake ratio of 95 percent. The allowable front brake bias margin shall be 25 percent and the allowable rear brake bias margin shall be 15 percent.

2. Type 2: The brakes may be tested with an approved accelerometer/inertia navigation type tester to determine whether the motor vehicle can stop from a speed of 20 miles per hour in 30 feet.

3. Type 3: If a drive-on platform brake tester or roller-type brake tester or an accelerometer/inertia navigation type tester is not utilized, the brakes shall be road tested on a level, dry, smooth, hard surface that is free of loose material, oil, or grease to determine whether the motor vehicle is able to stop from a speed of 20 miles per hour in 30 feet or less without swerving out of a 12-foot wide lane. If the private inspection facility performs a road test of the brakes, a diagram of the test location shall be provided to the Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).

(n) If a motor vehicle is equipped with air brakes, the low pressure warning system and air brake components shall be tested for proper operation. This test includes the following:

1. The low pressure warning system. The engine shall be turned off when there is sufficient air pressure so that the low pressure warning signal is not illuminated. The electrical power shall be turned on and the brake pedal shall be depressed and released to reduce the air tank pressure. The low air pressure warning signal shall become illuminated before the air pressure drops to less than 60 pounds per square inch in the air tank (or, in dual air systems, in the tank with the lower air pressure).

2. Operation of automatic spring brakes. The motor vehicle wheels shall be chocked, the parking brake released when there is sufficient air pressure to do so, and the engine turned off. The brake pedal shall be depressed and released to reduce the air tank pressure. The parking brake knob shall pop out when the air pressure falls to the manufacturer's specification, which is usually in a range of between 20 to 40 pounds per square inch. This shall cause the spring brakes to engage.

3. Rate of air pressure increase. With the motor vehicle engine idling at the motor vehicle manufacturer's specification, the air pressure shall increase from 85 pounds per square inch to 100 pounds per square inch within 45 seconds in dual air systems. If the motor vehicle is equipped with larger than minimum air tanks, the rate of increase may be longer as per the manufacturer's specifications. In single air systems on pre-1975 model year motor vehicles, typical specifications are an air pressure rate of increase from 50 to 90 pounds per square inch within three minutes with the engine at an idle speed of 600 to 900 revolutions per minute.

4. Air leakage rate. With a fully-charged air system (typically 125 pounds per square inch), the engine shall be turned off, the service brake shall be released, and the air

pressure drop shall be timed. The loss rate shall be less than two pounds per square inch in one minute for single vehicles, or less than three pounds per square inch in one minute for combination vehicles. Ninety pounds per square inch or more shall then be applied to the brake pedal. After the initial pressure drop, the air pressure shall not fall more than three pounds per square inch in one minute for single vehicles, nor more than four pounds per square inch in one minute for combination vehicles.

5. Governor cut-in and cut-out pressure. The air compressor shall start pumping at approximately 100 pounds per square inch and shall stop pumping at approximately 125 pounds per square inch as per the manufacturer's specifications. The motor vehicle engine shall be operated at a fast idle. The air governor shall cut-out the air compressor at approximately the manufacturer's specified pressure. The air pressure indicated on the air pressure gauge(s) shall stop rising. With the engine idling, the brake pedal shall be depressed and released to reduce the air tank pressure. The air compressor shall cut-in at approximately the manufacturer's specified cut-in pressure, and the air pressure shall begin to rise.

13:20-33.48 Parking brake; Class I and II licensees

(a) The parking brake shall be able to hold the motor vehicle stationary on any up or down grade upon which it can be operated, whether the motor vehicle is empty or loaded.

(b) The parking brake shall be equipped with a ratchet and pawl, or other type of automatic locking device, which will hold the brake in the applied position. On motor vehicles equipped with an automatic transmission and an automatic parking brake release, the locking device shall hold the parking brake in the applied position regardless of whether the transmission gear shift lever is in the "neutral" or "park" position.

(c) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motor vehicle manufacturer's specifications) remaining.

13:20-33.49 Speed recording instrument (speedometer); mileage recording instrument (odometer); Class I and II licensees

Certification of a motor vehicle shall be refused if the speed recording instrument (speedometer) or the mileage recording instrument (odometer) for such motor vehicle is inoperative or does not operate properly.

13:20-33.50 Credentials; Class III licensees

The driver of a motorcycle presented for inspection shall present either a valid motorcycle operator's license or a valid basic driver's license with a motorcycle endorsement, a valid New Jersey motorcycle registration certificate, and a valid New Jersey insurance identification card for the motorcycle. Photocopies or facsimiles of credentials shall not be accepted. Credentials shall be legible and shall contain no alterations.

13:20-33.51 License plate; Class III licensees

(a) A motorcycle shall not be certified if the license plate is not in the possession of the operator when the motorcycle is presented for inspection, or if the letters and/or numbers on the license plate are illegible.

(b) Certification of a motorcycle shall not be refused because the following requirements are not met; however, the motorcyclist shall be advised to have the condition corrected:

1. Only a rear license plate is required on a motorcycle. The license plate shall be clear and distinct and free from grease, dirt, or other blurring material so that it is plainly visible at all times of the day and night;

2. The license plate shall be securely attached to the rear of the motorcycle;

3. The license plate shall be displayed not less than 12 inches nor more than 48 inches from the ground in a horizontal position, right side up and right side out;

4. The letters and/or numbers on the license plate shall agree with the letters and/or numbers on the registration certificate of the motorcycle;

5. The license plate shall not be covered by glass, plastic, or similar material;

6. The license plate shall not be bent or defaced; or

7. The registration plate decal(s) issued by the Division for use on the license plate shall indicate the month and year in which the registration certificate for the motorcycle expires and shall be firmly attached to the license plate.

13:20-33.52 Frame, wheels, steering, handlebars, and suspension; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The frame is bent or damaged so as to affect the safe operation of the motorcycle;

2. The wheels and/or rims are bent, damaged, or defective, or the wheels are out of line, so that steering and control are adversely affected;

3. The steering-head bearing is loose, broken, defective, or out of adjustment;

4. The handlebars are loose, bent, broken, or damaged so as to affect proper steering;

5. The handlebar grips are higher than the shoulder height of the operator when he or she is seated on the motorcycle in normal driving position. Inasmuch as no portion of the handlebar grips shall be higher than the shoulder height of the operator, the measurement shall be made to the highest point on the handlebar grips;

6. Any component which is loose, bent, broken, defective, out of adjustment, or missing, so as to affect the safe operation of the motorcycle; or

7. The steering or suspension system is not in a condition equivalent to the motorcycle manufacturer's specifications.

13:20-33.53 Windscreen, glazing, and obstruction to driver's vision; Class III licensees

(a) A windscreen is not required on a motorcycle if the operator has in his or her possession an approved type of goggles or an approved type of face shield. If the motorcycle is equipped with a windscreen, it shall be inspected and certification shall be refused for any of the following reasons:

1. The windscreen is not of an approved type. The windscreen shall be approved as meeting Standard Z26.1 of the American National Standards Institute. The letters "AS", along with the trademark of the manufacturer or distributor, appear on approved types of windscreens;

2. The windscreen support, or some other component, obstructs the driver's vision or is constructed or located as to constitute a hazard to the driver;

3. The windscreen is broken, cracked, discolored, or scratched so as to obstruct the driver's vision;

4. The windscreen is not securely mounted;

5. The windscreen does not provide adequate protection for the operator; or

6. A sign, poster, sticker, or other non-transparent material is on the windscreen so as to obstruct the driver's vision; provided, however, an automatic vehicle identification system transponder approved by the Director in accordance with N.J.A.C. 13:20-10, or any sticker approved by the Director, is permitted.

13:20-33.54 Horn; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with a horn;

2. A horn is not securely fastened to the motorcycle;

3. A horn button is placed in an unsafe position;

4. A horn button is not operating properly;

5. Horn wiring is in an unsafe condition;

6. A horn is not audible under normal conditions from a distance of not less than 200 feet; or

7. A motorcycle is equipped with a siren, whistle, or bell (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24); provided, however, that any motorcycle may be equipped with a theft alarm signal device which is installed so that it cannot be used by the driver as an ordinary warning signal.

(b) Certification of a motorcycle shall not be refused because a horn emits an excessively loud or harsh sound; however, the motorcyclist shall be advised to have the condition corrected.

13:20-33.55 Windshield wipers; Class III licensees

(a) Some three-wheeled motorcycles are equipped with a passenger automobile type of windshield. In such cases, the motorcycle shall be equipped with at least one properly operating windshield wiper to provide clear vision for the driver. A motorcycle manufactured with only one windshield wiper shall have the wiper so located that it cleans the portion of the windshield directly in front of the driver in order for the driver to safely operate the motorcycle.

(b) If a motorcycle was originally manufactured with two windshield wipers, both wipers shall operate properly.

(c) A windshield wiper shall be capable of operating at a speed necessary to provide the driver a clear view ahead under all conditions of weather.

(d) Windshield wiper blades shall not be damaged, hardened, deteriorated, missing, or of an improper type (such as a blade designed for a flat windshield installed on a curved windshield), or of an improper size.

(e) A windshield wiper blade shall be held against the windshield with adequate pressure to provide the driver a clear view ahead under all conditions of weather.

(f) A windshield wiper shall clean the full area of the windshield for which it was designed.

(g) A windshield wiper control shall be constructed and installed as to be operated or controlled by the driver and shall be in proper operating condition.

13:20-33.56 Clearance lights; Class III licensees

(a) If the motorcycle is equipped with a side car or any other extension that is attached to the side thereof, there shall be a clearance light located on the outside limit of the side car or extension which displays white light to the front of the motorcycle.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The clearance light is not of an approved type. Clearance lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letters "P1" or "P2" or "PC", along with the manufacturer's name or trademark, are on the lens of such lights;

2. The clearance light is not permanently and securely mounted on a permanent part of the motorcycle;

3. The lens is missing, broken, or cracked;

4. The clearance light does not display white light to the front of the motorcycle;
or

5. The filament does not light when the headlight is in operation.

(c) A three-wheeled motorcycle shall be equipped with amber side clearance lights or parking lights on each side visible from the front of the motorcycle.

13:20-33.57 Taillight, reflector, and license plate light; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The taillight shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "T", along with the manufacturer's name or trademark, are often on the lens of such lights;

2. The taillight shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two taillights are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a taillight, as measured from the center of the lens to the level surface upon which the motorcycle stands, shall be not less than 15 inches nor more than 72 inches;

3. The lens is missing, broken, or of a color other than red. Certification of a motorcycle shall not be refused because a taillight lens is cracked, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected;

4. The filament does not light when the headlight is in operation;

5. The reflector shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters

"SAE" and the letter "A" (for Class A reflectors) or the letter "B" (for Class B reflectors), along with the manufacturer's name or trademark, are on such reflectors in most cases; or

6. The reflector shall be permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two reflectors are present they shall be symmetrically disposed about the vertical centerline. The mounted height of a reflector shall be not less than 15 inches nor more than 60 inches from the level surface upon which the motorcycle stands. The mounted height of a reflector shall be measured from the center of the reflector.

(b) A three-wheeled motorcycle shall be equipped with a taillight and a red reflector on each side visible from the rear of the motorcycle.

(c) Certification of a motorcycle shall be refused if the license plate light is inoperative. License plate lights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "L", along with the manufacturer's name or trademark, are often on the lens of such lights.

13:20-33.58 Stoplight; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The stoplight is not red or amber in color;

2. The stoplight is not of an approved type. All stoplights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "S", along with the manufacturer's name or trademark, are often on the lens of such lights;

3. The stoplight is not activated by application of the brake;

4. The stoplight is not permanently and securely mounted on the rear of the motorcycle on the vertical centerline, except that if two stoplights are present they shall be symmetrically disposed about the vertical centerline; or

5. The lens is missing. Certification of a motorcycle shall not be refused because of a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(b) A three-wheeled motorcycle shall be equipped with a red or amber stoplight on each side visible from the rear of the motorcycle.

13:20-33.59 Tires; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The tread on any tire is less than 2/32 of an inch in any two adjacent major grooves at three locations spaced approximately equally around the outside of the tire;

2. Any part of the ply or cord is exposed;

3. The tire structure has a chunk, bump, knot, or bulge evidencing cord, ply, or tread separation from the casing or other adjacent material; or

4. A tire has been regrooved below the original tread depth, unless such tire was originally manufactured with extra undertread material and is marked "REGROOVABLE."

13:20-33.60 Exhaust system; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

- 1. An exhaust system in which the muffler is missing, defective, or not in proper operating condition;**
- 2. An exhaust system if there is evidence of exhaust gas leakage at any point in the system;**
- 3. The muffler is not designed especially for motorcycles or is not equivalent in quality and performance to the original manufacturer's equipment designed for highway use;**
- 4. There is a muffler cut-out, muffler bypass or any similar device, or any change or modification to the exhaust system which causes excessive noise;**
- 5. An exhaust system which has loose or worn components or has been patched; provided, however, that an exhaust system which has been properly welded and is in good condition may be certified;**
- 6. There is excessive smoke. There shall be no more smoke than that produced by a properly maintained and functioning motorcycle;**
- 7. An exhaust system in which all parts are not properly mounted; or**
- 8. There is excessive vibration of the exhaust system.**

(b) Notwithstanding (a) above, certification of a motorcycle shall not be refused because a muffler has drain holes which were placed in it at the time of manufacture for drainage purposes.

13:20-33.61 Headlights; Class III licensees

(a) Every motorcycle shall be equipped with a headlight on the front on the vertical centerline, except that if two headlights are present they shall be symmetrically disposed about the vertical centerline. Motorcycle headlights shall emit only a white light and shall be tested for proper operation. Headlights shall not be tested for aim unless they have been previously rejected at inspection for one of the reasons set forth in this section. If headlight aim testing is required, the headlight shall be aimed straight ahead with the center of the hot spot of the high beam dropped the following distance in 25 feet, as measured with the operator seated on the motorcycle:

- 1. Multiple beam: Four inch drop (plus or minus 2 1/2 inches).**
- 2. Single beam: Nine inch drop (plus or minus 2 1/2 inches).**

(b) Notwithstanding (a) above, if headlight aim testing is required and if seven inch or 5 3/4 inch sealed beam headlight units are present on the motorcycle being tested, such headlights shall meet the headlight aim requirements set forth in N.J.A.C. 13:20-33.22.

(c) Certification of a motorcycle shall be refused for any of the following reasons:

- 1. The motorcycle is not equipped with at least one approved type of motorcycle headlight. All headlights shall be of a type approved as meeting the standards of the United States Department of Transportation or, for motorcycles manufactured prior to the adoption of such standards, the standards of the Society of Automotive Engineers. The letters "SAE" and the letter "M", along with the manufacturer's name or trademark, often appear on approved type motorcycle headlights;**
- 2. A motorcycle shall not have more than two headlights. If two headlights are installed, both shall operate properly and be of an approved type. Motorcycles having motors not over five horsepower may have either multiple beam or single beam headlights; all other**

motorcycles shall have multiple beam headlights. One seven inch sealed beam passenger automobile headlight unit of an approved type, or one 5 3/4 inch Type 1 and one 5 3/4 inch Type 2 sealed beam passenger automobile headlight unit of an approved type, may be used if desired;

3. The headlight is not securely mounted, cannot be aimed vertically or its aim is grossly misaligned, the wiring is not in proper condition, or the headlight switch (if the motorcycle is so equipped) does not operate properly;

4. The lens is cracked, missing, broken, or improperly installed;

5. There is dirt, excessive moisture, discoloration, contamination, or reflector deterioration; or

6. The light intensity is not sufficient; provided, however, that the engine speed of the motorcycle may be increased in an attempt to obtain sufficient light intensity.

(d) Certification of a motorcycle shall not be refused because the headlight rim is missing; however, the motorcyclist shall be advised to have the defect corrected.

(e) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.

13:20-33.62 Rear view mirrors; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with a rear view mirror;

2. The mirror is discolored, peeled, tarnished, cracked, broken, or has sharp edges;

3. The mirror is not capable of adjustment to a fixed horizontal and vertical position;

4. The mirror is not securely or properly mounted on the motorcycle;

5. The mirror does not provide the driver adequate rear view vision; or

6. The primary rear view mirror to the left of the driver has a concave or convex shape.

13:20-33.63 Miscellaneous lights; Class III licensees

(a) The lights described in this section are not required on motorcycles, unless otherwise noted, but are permitted provided they comply with the requirements set forth in this section.

(b) All miscellaneous lights used on motorcycles shall be of a type and color approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE", along with the manufacturer's name or trademark, are often on the lens of such lights. In addition, the letters listed below often appear on the following lights:

1. Fog lights = F;

2. Supplemental driving or passing lights = Y or Z.

(c) Any motorcycle may be equipped with not more than two auxiliary driving lights which are securely mounted on the front of the motorcycle at a height of not less than 12 inches nor more than 42 inches above the level surface upon which the motorcycle stands. Auxiliary driving lights include, but are not limited to, fog lights, passing lights, and supplemental driving lights. Auxiliary driving lights shall be aimed as set forth in N.J.A.C. 13:20-33.61. Auxiliary driving lights shall be properly installed so that their aim is not grossly misaligned

nor readily disturbed by ordinary motorcycle operation. Fog lights shall be wired so that they can only be used in conjunction with the low beam headlights.

(d) Turn signal lights (required on three-wheeled motorcycles):

1. Two turn signal lights shall be visible from the front of the motorcycle, and two turn signal lights shall be visible from the rear of the motorcycle.

2. The entire turn signal system shall be of an approved type. All turn signal lights, flashers and operating units shall be of a type approved as meeting the standards of the Society of Automotive Engineers. The letters "SAE", along with the manufacturer's name or trademark, are often on such devices. In the case of front and rear turn signal lights, the letter "I" or the letter "D" is often on the lens of such lights.

3. The turn signal lights showing to the front of the motorcycle shall be amber or white in color.

4. The turn signal lights showing to the rear of the motorcycle shall be amber or red in color.

5. All turn signal lights, systems and components shall be in proper operating condition. Certification of a motorcycle shall not be refused because a turn signal light has a cracked lens, provided no white light shows to the rear of the motorcycle and no portion of the lens is missing. However, the motorcyclist shall be advised to have the defect corrected.

(e) A spot light is a light which can be aimed at will. Any motorcycle may be equipped with not more than one spot light, but the use of any such spot light for driving purposes is prohibited. The letters "SAE" and the letter "O", along with the manufacturer's name or trademark, are often on the lens of approved type spot lights. Spot lights shall be of a type approved by the Director. Approved spot lights shall meet the requirements of SAE J-591b.

(f) Flashing lights are prohibited on motorcycles (except an authorized emergency vehicle or unless a permit for same has been issued by the Director in accordance with N.J.A.C. 13:24) except as a means for indicating right or left turns or for hazard warning signals.

(g) A motorcycle driven by an active member in good standing of a volunteer fire company or a volunteer first aid or rescue squad may be equipped with a blue emergency warning light or lights in accordance with the requirements set forth in N.J.A.C. 13:24-5. An identification card (permit) issued pursuant to N.J.A.C. 13:24-5 shall be in the possession of the operator at all times when the blue emergency warning light or lights are displayed on a motorcycle.

(h) All miscellaneous lights shall be permanently and securely mounted on a permanent part of the motorcycle in such a manner as to reduce the likelihood of their being obscured by mud or dirt thrown up by the wheels.

(i) Two or more lighting devices and reflectors may be combined optically, but the following combinations are prohibited:

1. A turn signal with a headlight; or
2. A clearance light with a taillight or an identification light.

(j) Motorcycles may be equipped with other lights in addition to those which are specified in this subchapter. The manufacturer's name or trademark and the letters "SAE" often appear on the lens of such lights, along with the identification letters shown below:

1. E: Side turn signal lights (mounted on motorcycle sides);

- 2. K: Cornering lights;
- 3. M: Motorcycle and motor driven cycle headlights (motorcycle type);
- 4. N: Motorcycle and motor driven cycle headlights (motor driven cycle type);
- 5. R: Back-up lights;
- 6. U: Supplemental high-mounted stop and turn signal lights;
- 7. V: Liquid burning emergency flares;
- 8. W4: Emergency reflex reflectors;
- 9. X: Electric emergency lanterns.

13:20-33.64 Wiring, switching, and electrical equipment; Class III licensees

- (a) Certification of a motorcycle shall be refused for any of the following reasons:
 - 1. The wiring and/or switches are not in proper condition, are improperly installed, or are so located as to cause damage;
 - 2. The switches do not function properly;
 - 3. A connection is not secure or shows signs of damage;
 - 4. The power for lights is not provided by a generator, alternator, or magneto. Dry cell batteries are not acceptable as a source of electrical energy except for parking lights;
- or
- 5. Any defect in wiring or switching which adversely affects the lighting performance of any exterior light.
- (b) Certification of a motorcycle shall not be refused because a headlight switch is not present provided the headlight is illuminated when the ignition switch is turned on.
- (c) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as original switches, provided the safe operation of the motorcycle is not adversely affected.
- (d) Certification of a motorcycle shall not be refused if replacement switches are present which perform the same function as the original switches but are not located in the original switch position(s), provided the safe operation of the motorcycle is not adversely affected.

13:20-33.65 Headlight beam indicator light; Class III licensees

- (a) Certification of a motorcycle shall not be refused because the headlight beam indicator light is inoperative or does not operate properly; however, the motorcyclist shall be advised to have the defect corrected.
- (b) A headlight beam indicator light is not required on motorcycles equipped with single beam headlights.

13:20-33.66 Miscellaneous items; Class III licensees

- (a) Certification of a motorcycle shall be refused for any of the following reasons:
 - 1. Fuel leakage at any point in the motorcycle fuel system;
 - 2. The fuel tank and piping are not securely mounted or are not in proper condition;
 - 3. The fuel tank is not properly capped;
 - 4. The chainguard does not provide sufficient protection; or

5. The speed recording instrument (speedometer) or the mileage recording instrument (odometer) is inoperative or does not operate properly.

(b) The rear fenders of three-wheeled motorcycles shall extend downward to the rear at least three-quarters of the distance from the top of the tire to the horizontal centerline of the tire. Fender flaps may be attached to the rear fenders to provide the required length.

13:20-33.67 Service brakes (including service brake equalization, service brake pedal reserve, and parking brake on three-wheeled motorcycles); Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. The motorcycle is not equipped with front and rear brakes adequate to control the movement of and stop the motorcycle within a safe distance; or, for 1973 and earlier model year motorcycles, the motorcycle is not equipped with at least one brake adequate to control the movement of and stop the motorcycle within a safe distance;

2. Levers (foot and hand) do not have at least one-third of their average travel distance as reserve after the brakes are fully applied;

3. Any leak in a hydraulic brake system; or

4. Any defect in mechanical components.

(b) A three-wheeled motorcycle shall be equipped with a parking brake in proper operating condition.

(c) The parking brake shall be able to hold the motorcycle stationary on any up or down grade upon which it can be operated, whether the motorcycle is empty or loaded.

(d) The parking brake shall be equipped with an automatic locking device which will hold the brake in the applied position.

(e) When the parking brake is applied, there shall be a minimum of one-third of the total average travel (as per the motorcycle manufacturer's specifications) remaining.

(f) The service brakes on a three-wheeled motorcycle shall be properly equalized.

13:20-33.68 Helmets; Class III licensees

(a) Certification of a motorcycle shall be refused for any of the following reasons:

1. There is not an approved type of safety helmet in the possession of the motorcycle operator. An approved type of safety helmet is marked to meet Standard Z90.1 of the American National Standards Institute or Federal Motor Vehicle Safety Standard 218, along with the manufacturer's or distributor's trademark;

2. The safety helmet is not equipped with either a neck or chin strap; or

3. The safety helmet is not reflectorized over an area of at least four square inches on each side of the helmet. Red, white, or amber reflectorized safety tape shall be used and shall be securely affixed to the helmet in a permanent waterproof manner. Helmets manufactured with built-in reflectorization shall also have affixed thereto the reflectorized tape.

13:20-33.69 Goggles or face shields; Class III licensees

(a) A motorcycle operator is not required to have goggles or a face shield in his or her possession if the motorcycle is equipped with an approved type of windscreen in accordance with N.J.A.C. 13:20-33.53. If the motorcycle is not equipped with an approved type of

windscreen, it shall not be certified unless the operator has in his or her possession either an approved type of goggles or an approved type of face shield.

(b) Approved type goggles and approved type face shields are marked to meet Standard Z2.1 or Standard Z87.1 of the American National Standards Institute or Regulation V-8. The letters and numbers Z2.1 or Z87.1 or V-8 appear on such goggles and face shields, along with the trademark of the manufacturer or distributor.

13:20-33.70 Seats; Class III licensees

(a) Motorcycles designed for occupancy by two people shall have either one permanent seat designed for two persons, or a separate passenger seat located to the rear or side of the seat for the operator.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The seats are not equivalent in quality and safety to the original manufacturer's equipment;

2. Each seat is not securely mounted; or

3. The seats are not of sufficient strength or are mounted in such a manner that the operator and passenger cannot ride without crowding or interfering with the operation of the motorcycle.

13:20-33.71 Foot rests; Class III licensees

(a) Motorcycles designed to carry more than one person shall be equipped with adequate foot rests for each passenger.

(b) Certification of a motorcycle shall be refused for any of the following reasons:

1. The foot rests are not equivalent in quality and performance to the original manufacturer's equipment;

2. The foot rests are not securely mounted;

3. The foot rests are not capable of supporting the full weight of the user; or

4. The foot rests for passengers are mounted in such a manner as to interfere with the operation of the motorcycle.

APPENDIX A AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT A SPECIFIC ITEM ON A MOTOR VEHICLE HAVING A GVWR OF 8,500 POUNDS OR LESS

<u>Item Reinspected</u>	<u>Time Required</u>
<u>Credentials</u>	<u>.1 hour*</u>
<u>License Plates</u>	<u>.1 hour*</u>
<u>Steering and Suspension</u>	<u>.5 hour</u>
<u>Front Parking Lights</u>	<u>.1 hour*</u>
<u>Glazing</u>	<u>.2 hour</u>
<u>Obstruction to Driver's Vision</u>	<u>.1 hour*</u>
<u>Horn</u>	<u>.1 hour*</u>
<u>Windshield Wipers</u>	<u>.2 hour</u>

<u>Turn Signals and/or Hazard Warning Signals</u>	<u>.2 hour</u>
<u>Clearance Lights, Reflectors, Identification Lights and/or</u>	
<u>Side-Marker Lights</u>	<u>.2 hour</u>
<u>Taillights and/or License Plate Light</u>	<u>.1 hour*</u>
<u>Stoplights</u>	<u>.1 hour*</u>
<u>Wheels and/or Tires</u>	<u>.2 hour</u>
<u>Exhaust System</u>	<u>.2 hour</u>
<u>Engine Emissions (CO, HC, NOx and/or Smoke)</u>	<u>.5 hour</u>
<u>Gas Cap Test</u>	<u>.2 hour</u>
<u>Pressure Test</u>	<u>.3 hour</u>
<u>On Board Diagnostic (OBD) Test</u>	<u>.3 hour</u>
<u>Catalytic Converter</u>	<u>.2 hour</u>
<u>Headlights</u>	<u>.3 hour</u>
<u>Rear View Mirrors</u>	<u>.1 hour*</u>
<u>Miscellaneous Lights</u>	<u>.2 hour</u>
<u>Wiring and/or Switching</u>	<u>.2 hour</u>
<u>Miscellaneous Items</u>	<u>.3 hour</u>
<u>Service Brakes</u>	<u>.5 hour</u>
<u>Parking Brake and Reserve</u>	<u>.2 hour</u>
<u>Service Brake Equalization</u>	<u>.5 hour</u>
<u>Service Brake Pedal Reserve</u>	<u>.2 hour</u>

*Note: If this is the only item to be reinspected on a motor vehicle, the reinspection time shall be considered to be .2 hour.

APPENDIX B
AVERAGE LENGTH OF TIME REQUIRED TO REINSPECT
A SPECIFIC ITEM ON A MOTOR VEHICLE
HAVING A GVWR GREATER
THAN 8,500 POUNDS

<u>Item Reinspected</u>	<u>Time Required</u>
<u>Credentials</u>	<u>.1 hour*</u>
<u>License Plates</u>	<u>.1 hour*</u>
<u>Steering and Suspension</u>	<u>.7 hour</u>
<u>Front Parking Lights</u>	<u>.1 hour*</u>
<u>Glazing</u>	<u>.2 hour</u>
<u>Obstruction to Driver's Vision</u>	<u>.1 hour*</u>
<u>Horn</u>	<u>.1 hour*</u>
<u>Windshield Wipers</u>	<u>.2 hour</u>
<u>Turn Signals and/or Hazard</u>	
<u>Warning Signals</u>	<u>.2 hour</u>
<u>Clearance Lights, Reflectors,</u>	
<u>Identification Lights</u>	

<u>and/or Side-Marker</u>	
<u>Lights</u>	<u>.2 hour</u>
<u>Taillights and/or License</u>	
<u>Plate Light</u>	<u>.1 hour*</u>
<u>Stoplights</u>	<u>.1 hour*</u>
<u>Wheels and/or Tires</u>	<u>.2 hour</u>
<u>Exhaust System</u>	<u>.4 hour</u>
<u>Engine Emissions (CO, HC</u>	
<u>and/or Smoke)</u>	<u>.5 hour</u>
<u>Gas Cap Test</u>	<u>.2 hour</u>
<u>Catalytic Converter</u>	<u>.2 hour</u>
<u>Headlights</u>	<u>.3 hour</u>
<u>Rear View Mirrors</u>	<u>.1 hour*</u>
<u>Miscellaneous Lights</u>	<u>.2 hour</u>
<u>Wiring and/or Switching</u>	<u>.2 hour</u>
<u>Miscellaneous Items</u>	<u>.3 hour</u>
<u>Service Brakes</u>	<u>.7 hour</u>
<u>Parking Brake and Reserve</u>	<u>.4 hour</u>
<u>Service Brake Equalization</u>	<u>.7 hour</u>
<u>Service Brake Pedal Reserve</u>	<u>.4 hour</u>

*Note: If this is the only item to be reinspected on a motor vehicle, the reinspection time shall be considered to be .2 hour.

APPENDIX C
AVERAGE LENGTH OF TIME REQUIRED
TO REINSPECT A SPECIFIC ITEM ON
A MOTORCYCLE

<u>Item Reinspected</u>	<u>Time Required</u>
<u>Credentials</u>	<u>.1 hour*</u>
<u>License Plate</u>	<u>.1 hour*</u>
<u>Frame, Wheels, Steering,</u>	
<u>Handlebars and/or Suspension</u>	<u>.2 hour</u>
<u>Parking Lights</u>	<u>.1 hour*</u>
<u>Windscreen and/or Glazing</u>	<u>.2 hour</u>
<u>Obstruction to Driver's Vision</u>	<u>.1 hour*</u>
<u>Horn</u>	<u>.1 hour*</u>
<u>Windshield Wipers</u>	<u>.2 hour</u>
<u>Turn Signals and/or Hazard Warning Signals</u>	<u>.2 hour</u>
<u>Clearance Lights, Reflectors, Identification Lights</u>	
<u>and/or Side-Marker Lights</u>	<u>.2 hour</u>
<u>Taillights and/or License Plate Light</u>	<u>.1 hour*</u>
<u>Stoplights</u>	<u>.1 hour*</u>
<u>Tires</u>	<u>.2 hour</u>
<u>Exhaust System (Including Smoke)</u>	<u>.2 hour</u>

Headlights	.2 hour
Rear View Mirrors	.1 hour*
Miscellaneous Lights	.2 hour
Wiring, Switching and/or Electrical Equipment	.2 hour
Miscellaneous Items	.2 hour
Service Brakes	.2 hour
Parking Brake and Reserve	.2 hour
Service Brake Equalization	.2 hour
Service Brake Pedal Reserve	.2 hour
Helmets	.1 hour*
Goggles and/or Face Shields	.1 hour*
Seats and/or Foot Rests	.1 hour*

***Note: If this is the only item to be reinspected on a motorcycle, the reinspection time shall be considered to be .2 hour.**

SUBCHAPTER 43. ENHANCED MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM

13:20-43.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings[,], unless the context clearly indicates otherwise[.].

"Bi-fueled" means powered by gasoline and by an alternative fuel, but not on a mixture of the two fuels. Each fuel is stored in a separate tank. For example, a vehicle may operate on either propane or gasoline, but it cannot operate on both at the same time. Typically, these vehicles will consume the alternative fuel until the supply is exhausted, then switch over, often automatically, to use the traditional fuel. This term shall not include vehicles powered by electric motors.

"Certificate of approval" means an inspection sticker issued by [the Division] **an official inspection facility, a licensed private inspection facility, or a State specialty inspection facility** certifying that a motor vehicle complies with the requirements of Title 39 and Title 26 of the Revised Statutes, this subchapter, **N.J.A.C. 13:20-32 or 13:20-33, whichever is applicable**, and N.J.A.C. [7:27] **7:27-15** and [7:27B] **7:27B-4** regarding the inspection of motor vehicles.

"Certificate of waiver" means an inspection sticker **issued by an official inspection facility** evidencing that a **motor** vehicle has successfully passed a safety inspection but that the requirements of compliance with this subchapter and the rules adopted by the Department of Environmental Protection pertaining to emission inspection standards have been waived by the Division for the particular inspection cycle for which the waiver is granted.

...

"Collector motor vehicle" means a motor vehicle, not otherwise qualified for designation as [an] **a** "historic vehicle," or "street rod," which was either: originally manufactured as a restricted issue make or model, or in a sufficiently limited quantity; or at the time of qualification for designation exists in such limited numbers; either one or the other or both of the above, according to any generally recognized compilation of motor vehicle statistical information on file with, or supplied by the owner to the Division, as may be accepted by the Director in his or her discretion, so as to

establish it as a unique commodity having a current monetary value in excess of similar make and model vehicles with routine manufacture and distribution patterns, and, further, that is not driven in excess of the maximum mileage permitted by the terms of a valid limited use motor vehicle insurance policy issued for, and covering such vehicle, proof of which shall be supplied to the Division at the time of application for designation as a collector vehicle, which mileage shall in no event exceed 3,000 miles per year. **This term shall not include motor vehicles with elevated chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37.**

...

"Emission control system" means a device or equipment installed on a motor vehicle by the **vehicle manufacturer and/or the engine manufacturer** for the purpose of controlling air contaminants emitted from the motor vehicle or motor vehicle engine, including devices or equipment integral with, but not limited to, exhaust emission control systems, fuel evaporation control systems, crankcase emission control systems, and associated devices or systems which control or monitor the function **and maintenance** of these devices or systems.

...

"Gross vehicle weight rating [(GVWR)]" **or "GVWR"** means the value specified by the manufacturer as the maximum loaded weight of a single or combination (articulated) vehicle.

...

"Low utilization modified performance vehicle" means a vehicle that has been modified for performance and that is driven less than 10,000 miles during the biennial inspection period, provided, however, that any such performance modification shall comply with all of the anti-tampering requirements of N.J.A.C. 7:27-15.7(a).

...

"Official inspection facility" means a test-only inspection facility that [is operated by the Division or that] the State Treasurer has contracted for pursuant to section 4 of P.L. 1995, c. 112.

...

["Primary emission control component" means the air pump, oxygen sensor, catalytic converter, positive crankcase ventilation (PCV) valve and exhaust gas recirculation (EGR) valve.]

"Private inspection facility" means any person, partnership or corporation licensed by the Division pursuant to N.J.A.C. 13:20-44 to perform the motor vehicle inspections required by [this subchapter] **N.J.S.A. 39:8-1.**

...

"State specialty inspection facility" means a test-only inspection facility that is operated by the Division to inspect certain motor vehicles as specified in N.J.A.C. 13:20-7.3(d).

["Working order" (Reserved).]

13:20-43.2 Inspection requirements for motor vehicles; exempt [motor] vehicles; designation of collector motor vehicles; designation of low utilization modified performance vehicles; designation of low mileage vehicles

(a) (No change.)

(b) The following [motor] vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the inspection requirements of this subchapter:

1. - 4. (No change.)

5. Farm tractors and traction equipment [registered pursuant to N.J.S.A. 39:3-24];

6. Farm machinery and implements [registered pursuant to N.J.S.A. 39:3-24];
7. - 8 (No change.)
9. Diesel-fueled motor vehicles, other than omnibuses and school buses, having a GVWR of [more than 8,500] **10,000** pounds **or more** that are required to be inspected by the owner **or lessee** of the vehicle **in accordance with N.J.A.C. 13:20-26;**
10. Omnibuses having a seating capacity of [16] **10** passengers or more and which are subject to inspection by the [New Jersey Department of Transportation] **Division's Commercial Bus Inspection and Investigation Unit;** and
11. (No change.)
 - (c) To qualify for designation as a "collector motor vehicle" the owner or lessee of a **motor** vehicle shall submit an application in the form specified by the Division which provides evidence of the following:
 1. (No change.)
 - 2. The vehicle is not a motor vehicle with elevated chassis height which is subject to inspection in accordance with N.J.A.C. 13:20-37;**
 - Recodify existing 2. - 3. as **3. - 4.** (No change in text.)
 - (d) The Director or his or her designee shall verify the odometer reading of a "collector motor vehicle" and may require that such **motor** vehicle be equipped with an odometer lock. **A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "collector motor vehicle."**
 - (e) (No change.)
 - (f) The Director or his or her designee shall remove the previous "collector motor vehicle" windshield sticker, if any, of a motor vehicle which is denied designation as a "collector motor vehicle" in accordance with this section. A motor vehicle that is denied designation as a "collector motor vehicle" shall not be eligible for such designation for one inspection cycle.**
 - Recodify existing (f) - (g) as **(g) - (h)** (No change in text.)
 - (i) To qualify for designation as a "low utilization modified performance vehicle" a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period and the owner or lessee of a motor vehicle shall submit a certification in the form specified by the Division to the effect that the motor vehicle's emission control apparatus conforms to the standards established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4.**
 - (j) The Director or his or her designee shall verify the odometer reading of a "low utilization modified performance vehicle." A motor vehicle which is equipped with an odometer which is inoperative or not in proper operating condition shall not qualify for designation as a "low utilization modified performance vehicle."**
 - (k) A motor vehicle which is denied designation as a "low utilization modified performance vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.**
 - (l) To qualify for designation as a "low mileage vehicle" a motor vehicle shall be driven less than 10,000 miles during the biennial inspection period.**
 - (m) The Director or his or her designee shall verify the odometer reading of a "low mileage vehicle." A motor vehicle which is equipped with an odometer which is inoperative**

or not in proper operating condition shall not qualify for designation as a "low mileage vehicle."

(n) A motor vehicle which is denied designation as a "low mileage vehicle" in accordance with this section shall not be eligible for such designation for one inspection cycle.

13:20-43.3 Inspection facilities

A motor vehicle subject to inspection shall have the inspection performed at an official inspection facility [operated by, or under contract with, the Division or at], a private inspection facility licensed by the Division, **or a State specialty inspection facility operated by the Division, in accordance with N.J.A.C. 13:20-7.3.**

13:20-43.4 Federal motor vehicles

(a) Motor vehicles that are operated on Federal installations located within New Jersey and motor vehicles operated by Federal government agencies in this State shall be inspected in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. [7:27] **7:27-15** and [7:27B] **7:27B-4**. [Each Federal installation and each Federal government agency shall provide to the Division a report of motor vehicles operated on the Federal installation or maintained as part of the Federal fleet in this State. The report shall include:

1. The vehicle identification number (VIN), including VIN prefix, for the motor vehicle;
2. The vehicle model year, make, color, body type and weight class;
3. The GVWR for the motor vehicle;
4. The license plate number issued by the Federal government agency for the motor vehicle;
5. The name and address of the Federal government agency supplying the report; and
6. The name, business address, and telephone number of the person preparing the report.

(b) The reports in (a) above shall be provided to the Division in such format and at such times as the Division shall determine. A per vehicle inspection fee of \$35.00 shall be paid to the Division for the inspection of Federal motor vehicles under this section. Payment of the inspection fee shall be made and shall accompany the reports submitted to the Division under this section.]

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Division pursuant to N.J.A.C. 13:20-44.

(c) [The Division] **A Class I licensed private inspection facility** shall provide to the operator of a Federally-plated or numbered motor vehicle which is presented for inspection in this State a report of inspection conducted under (a) above which shall include:

1. - 3. (No change.)
 4. [O] **CO** results;
 5. - 9. (No change.)
 10. [Safety] **Exhaust system** inspection results.
- (d) (No change.)

13:20-43.5 Motor vehicles registered in other states

(a) Owners, lessees or operators of motor vehicles registered in other jurisdictions may present their motor vehicles for inspection in this State. The inspection shall be in accordance with

this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. [7:27] **7:27-15** and [7:27B] **7:27B-4**.

[(b) Owners, lessees or operators of the motor vehicles specified in N.J.A.C. 13:20-43.4(d) and (a) above that are not registered in New Jersey, or those motor vehicles specified in N.J.A.C. 13:20-43.4(a) that are not listed on the report required to be submitted by that subsection, shall make application for inspection at such locations as are specified by the Division and shall pay to the Division a per vehicle inspection fee of \$35.00 prior to presenting the vehicle for inspection. The inspection application shall contain the following:

1. The VIN, including VIN prefix, for the motor vehicle;
2. The vehicle model year, make, color, body type and weight class;
3. The GVWR for the motor vehicle;
4. The license plate number for the motor vehicle;
5. The name of the state in which the vehicle is registered; and
6. The name and address of the owner of the motor vehicle.]

(b) Notwithstanding N.J.A.C. 13:20-43.3, motor vehicles which are inspected pursuant to this section shall be inspected by a Class I or Class II private inspection facility licensed by the Division pursuant to N.J.A.C. 13:20-44.

(c) [The Division] **A Class I licensed private inspection facility** shall provide to the operator of a motor vehicle which is presented for inspection in this State a report of inspection conducted under N.J.A.C. 13:20-43.4(d) or (a) above.

(d) The owner or lessee of a motor vehicle shall transmit a report of inspections conducted under N.J.A.C. 13:20-43.4(d) or (a) above to the state of registration which shall include:

1. - 10. (No change.)
11. [Safety] **Exhaust system** inspection results.

13:20-43.6 Fleet motor vehicles

All fleet motor vehicles, including those that are available for lease or rent, which are registered in this State, or are registered in another state and primarily operated in New Jersey, shall be inspected in accordance with this subchapter and the emission standards adopted by the Department of Environmental Protection at N.J.A.C. [7:27] **7:27-15** and [7:27B] **7:27B-4**. A fleet vehicle shall be inspected at an official inspection facility or by a **Class I or Class II** licensed private inspection facility. The owner or lessee of fleet motor vehicles may apply for and be licensed by the Division as a **Class II** private inspection facility in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-44.

13:20-43.7 Test frequency

Motor vehicles subject to inspection pursuant to this subchapter shall be inspected on a biennial basis, except as otherwise provided by law or regulation. [Whenever a vehicle previously registered in a foreign jurisdiction is registered in this State, the vehicle shall be presented for inspection within 30 days from the date of issuance of a certificate of registration for the vehicle. Following completion of the inspection of a vehicle which was previously registered in a foreign jurisdiction, the vehicle shall be inspected on a biennial basis, except as otherwise provided by law or regulation.]

13:20-43.8 Tests for emissions

(a) A loaded-mode (dynamometer-based) test shall be conducted in accordance with N.J.A.C. 7:27-15.5 **and 7:27B-4** on all gasoline-fueled **and bi-fueled** motor vehicles with model years 1981 and later having a GVWR of 8,500 pounds or less; provided, however, no such test shall be required for any full-time four-wheel drive vehicle regardless of weight class, for a low mileage vehicle, **for a low utilization modified performance vehicle**, for a motor vehicle which is operated by a handicapped person and which has been modified so that such vehicle is fully controlled by specially designed mechanical devices for the handicapped, **for a motor vehicle which is equipped with non-disengagable traction control**, or for any other **motor** vehicle [having] **originally manufactured with** a particular design characteristic which makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director. In such exceptional cases, [an] **a 2,500 RPM** idle emission test, conducted in accordance with N.J.A.C. 7:27-15.5 and [7:27B-4.5(b)] **7:27B-4.5**, shall be administered. All motor vehicles which are subject to a loaded-mode (dynamometer-based) test shall not exceed the emission levels established at N.J.A.C. [7:27] **7:27-15** for such vehicles by the Department of Environmental Protection for hydrocarbons (HC), carbon monoxide (CO), [or] **and** oxides of nitrogen (NO_x).

(b) An idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and [7:27B-4.5(b)] **7:27B-4.4(b)** on all gasoline-fueled **and bi-fueled** motor vehicles with model years 1980 and earlier, all gasoline-fueled **and bi-fueled** motor vehicles having a GVWR greater than 8,500 pounds, and [all such motor vehicles as set forth in (a) above that are specifically exempted from the requirement of a loaded-mode (dynamometer-based) test] **on any other motor vehicle originally manufactured with a particular design characteristic which makes it either impractical or hazardous to conduct a 2,500 RPM idle emission test, as shall be determined in the discretion of the Director**. A 2,500 RPM idle emission test shall be conducted in accordance with N.J.A.C. 7:27-15.5 and [7:27B-4.5(b)] **7:27B-4.5** on all low mileage vehicles with model years 1981 and later, **on all low utilization modified performance vehicles with model years 1981 and later**, on all full-time four-wheel drive vehicles with model years 1981 and later, on all motor vehicles that are operated by handicapped persons and have been modified so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped with model years 1981 [or] **and** later, **on motor vehicles with model years 1981 and later which are equipped with non-disengagable traction control**, and on any other **motor** vehicle [having] **with model years 1981 and later originally manufactured with** a particular design characteristic which makes its operation on a dynamometer either impractical or hazardous, as shall be determined in the discretion of the Director [with a model year 1981 or later]. All motor vehicles which are subject to an idle test shall not exceed the emission levels established at N.J.A.C. [7:27] **7:27-15** for such vehicles by the Department of Environmental Protection for hydrocarbons (HC) and carbon monoxide (CO).

(c) An evaporative system purge test shall be conducted **in accordance with N.J.A.C. 7:27-15 and 7:27B-4** on all post-1980 model year light-duty gasoline-fueled **and bi-fueled** motor vehicles and light-duty gasoline-fueled **and bi-fueled** trucks that were originally equipped with an evaporative emission control system when manufactured provided such vehicles are subject to a loaded-mode (dynamometer-based) test, unless a **motor vehicle was originally manufactured with a** particular design characteristic [of the vehicle] **which** makes it impractical to administer such test. All motor vehicles which are subject to the purge test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. [The evaporative system purge test shall not be conducted on full-time four-wheel drive vehicles or a vehicle which has a particular design characteristic which makes its operation on a dynamometer either impractical or

hazardous.] **Implementation of the evaporative system purge test required by this subsection shall be contingent upon the development of a Federal EPA methodology for conducting such test.**

(d) An evaporative system integrity (pressure) test shall be conducted **in accordance with N.J.A.C. 7:27-15 and 7:27B-4** on all post-1980 model year light-duty gasoline-fueled **and bi-fueled** motor vehicles and light-duty gasoline-fueled **and bi-fueled** trucks that were originally equipped with an evaporative emission control system when manufactured, unless a **motor vehicle was originally manufactured with a** particular design characteristic [of the vehicle] **which** makes it impractical to administer such test. [Vehicles] **Motor vehicles** subject to the pressure test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4. A gas cap pressure test shall be conducted on all **motor** vehicles originally equipped with a sealed gas cap. [Vehicles] **Motor vehicles** subject to the gas cap pressure test shall meet the standards for such test established by the Department of Environmental Protection at N.J.A.C. 7:27-15 and [7:27B-4.13] **7:27B-4.12.**

(e) An inspection **shall be** conducted [by a licensed private inspection facility shall include an inspection] **in accordance with N.J.A.C. 7:27-15 and 7:27B-4** for the presence of the catalytic converter on all light-duty gasoline-fueled **and bi-fueled motor** vehicles and light-duty gasoline-fueled **and bi-fueled** trucks which were manufactured with a catalytic converter as original equipment **or which were retrofitted with a catalytic converter.** [The inspection shall be conducted in accordance with N.J.A.C. 7:27-15.5 and 7:27B-4.8.] Motor vehicles shall fail inspection if the catalytic converter was a part of the original certified configuration for the motor vehicle and the catalytic converter is missing or disconnected. If it is found that the catalytic converter is modified or improperly connected, **or is not certified in accordance with EPA procedures, or is not of a type which was part of the original certified configuration for the motor vehicle,** the **motor** vehicle shall fail inspection.

(f) A visible smoke test shall be conducted in accordance with N.J.A.C. 7:27-15 and 7:27B-4 on all gasoline-fueled and bi-fueled motor vehicles subject to inspection pursuant to N.J.S.A. 39:8-1.

(g) The Director, as required by 40 CFR §51.353(c)(3) to evaluate the effectiveness of the enhanced inspection and maintenance program, may require a motor vehicle which has been presented for an initial inspection to undergo an alternate emission inspection by his or her designee.

[(f)] **(h)** A motor vehicle safety equipment inspection shall be conducted on all motor vehicles subject to inspection; **provided, however, that with regard to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 and motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5, the safety equipment inspection required by this subsection shall be limited to an inspection of the motor vehicle's exhaust system.** The following safety equipment shall be subject to inspection:

1. - 17. (No change.)

[(g)] **(i)** Each motor vehicle inspection conducted pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card; **provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.**

13:20-43.10 Reinspections

Motor vehicles that fail inspection shall be reinspected within the period of time set forth in N.J.A.C. 13:20-7.5, 13:20-7.6(a), or 13:20-43.14(g), whichever is applicable, after the motor vehicle has been repaired or adjusted. The [operator of] owner or lessee who had a registered motor vehicle emission repair facility perform emission-related repairs on a motor vehicle that [exceeded] failed the [exhaust] emission [standards during the vehicle's] inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, [or] the pre-inspection repair form (if applicable), which has/have been completed by [a] such registered motor vehicle emission repair facility [or by an] and invoice(s) issued by such registered motor vehicle emission repair facility. The owner or lessee possessing a nationally recognized certification for emission-related diagnosis and repairs who performed the emission-related repairs on a motor vehicle that failed the emission inspection shall present the previously issued motor vehicle inspection report and inspection report supplement, if issued, and the pre-inspection repair form (if applicable), which has/have been completed by such owner or lessee. All motor vehicles subject to a reinspection [or], including motor vehicles that [fail] have failed an on-road inspection [under] in accordance with N.J.A.C. 13:20-43.14, for noncompliance with the emission [standards] inspection shall be subject to the separable portions of the inspection procedure for emissions for the vehicle model year (that is, functional testing and exhaust testing where applicable). Portions of the emission testing procedure shall be considered separable for purposes of this section if a failure on one portion does not affect the likelihood of passage or failure on any other portion of the testing procedure. If the motor vehicle passes the reinspection, the Division, or an authorized inspector, shall issue a certificate of approval for the motor vehicle indicating compliance. If the motor vehicle fails to pass the reinspection, the Division, or an authorized inspector, shall issue a motor vehicle inspection report indicating [non-compliance] noncompliance. If the motor vehicle fails the reinspection for an emission-related problem and the owner or lessee requests a waiver of compliance, the Division or its authorized representatives shall review the request and shall approve or deny the request in accordance with N.J.A.C. 13:20-43.13. Requests for waiver shall be presented at such locations as are designated by the Director and approved or denied only by such persons as designated by the Director.

13:20-43.11 Inspection certificates of approval; inspection rejection stickers

(a) [A] An inspection certificate of approval shall be issued for New Jersey registered motor vehicles which meet safety and emission standards. The inspection certificate of approval issued for motor vehicles other than motorcycles shall be affixed in accordance with N.J.A.C. 13:20-32.2(e) or 13:20-33.2(k), whichever is applicable, to the lower left corner of the windshield inside the passenger compartment of the motor vehicle.

(b) An inspection rejection sticker shall be issued by an official inspection facility for New Jersey registered motor vehicles other than motorcycles which fail to meet safety and/or emission standards. The inspection rejection sticker shall be affixed by an official inspection facility in accordance with N.J.A.C. 13:20-32.2(f) or, if applicable, N.J.A.C. 13:20-32.2(g), to the lower left corner of the windshield inside the passenger compartment of the motor vehicle. A licensed private inspection facility shall denote that a New Jersey registered motor vehicle other than a motorcycle has failed to meet safety and/or emission standards by defacing the inspection certificate of approval or certificate of waiver affixed to the motor vehicle, if any, in accordance with N.J.A.C. 13:20-33.2(l), except as otherwise provided at N.J.A.C. 13:20-33.2(m). The

owner or lessee of a motor vehicle which has failed inspection shall have the necessary repairs made and shall present the **motor** vehicle for reinspection [no later than the last day of the calendar month following the calendar month in which the vehicle was due for inspection, except as otherwise provided at N.J.A.C. 13:20-7.2] **within the period of time set forth in N.J.A.C. 13:20-7.5, 13:20-7.6(a), or 13:20-43.14(g), whichever is applicable.**

13:20-43.12 Inspection extensions

(a) A motor vehicle which is registered in New Jersey that cannot be presented for inspection in this State prior to the expiration of the certificate of approval or certificate of waiver issued for the **motor** vehicle shall be deemed to be in compliance with the inspection requirements of this State if the **motor** vehicle is presented for an inspection in the state **or region** in which it is temporarily located, provided that such inspection is performed in an enhanced I/M program. In order to avoid sanctions for failure to comply with the inspection requirements of this State, it shall be the responsibility of the owner or lessee of the **motor** vehicle to transmit to the Division proof that the **motor** vehicle has been inspected by another state's enhanced I/M program. Such proof shall consist of a report issued by the enhanced I/M program of such other state containing the license plate number or vehicle identification number of the **motor** vehicle inspected, the date and location of inspection, and the results of such inspection. If such proof has been submitted and a current registration has been issued for the **motor** vehicle, the Director or his or her designee may, for good cause [shown], issue a letter extending the time period in which to have the **motor** vehicle inspected.

The inspection extension shall be valid from its effective date to [30] **14** days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid [for more than two years from its effective date] **beyond the expiration of the two year inspection cycle established for the motor vehicle except as hereafter provided. The Director, in his or her discretion, may issue an additional inspection extension(s) pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty or who is attending college or graduate school in a state or region that has an enhanced I/M program; provided, however, that continuing proof that the motor vehicle has been presented for inspection in another state's enhanced I/M program is transmitted to the Division by the owner or lessee of the motor vehicle.**

(b) The owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection in this or another State prior to the expiration of the certificate of approval or certificate of waiver issued for the **motor** vehicle because it is temporarily located in a state or region that does not have an enhanced I/M program shall notify the Division of the date upon which the motor vehicle will be returned to New Jersey. If a current registration has been issued for the **motor** vehicle, the Director or his or her designee may, for good cause [shown], issue a letter extending the time period in which to have the **motor** vehicle inspected. The inspection extension shall be valid from its effective date to [30] **14** days from the date upon which the owner or lessee returns the motor vehicle to New Jersey, but in no event shall the extension be valid [for more than two years from its effective date] **beyond the expiration of the two year inspection cycle established for the motor vehicle except as hereafter provided. The Director, in his or her discretion, may issue an inspection extension of greater length pursuant to this subsection to a motor vehicle owner or lessee who is on active military duty and is stationed in another state or region that does not have an enhanced I/M program, or to a motor vehicle owner or lessee**

who is attending college or graduate school in another state or region that does not have an enhanced I/M program.

(c) The owner or lessee of a motor vehicle registered in New Jersey which cannot be presented for inspection or reinspection prior to the date by which the motor vehicle must be presented for such inspection or reinspection due to the ill health of the motor vehicle owner or lessee, or for other good cause, shall notify the Division of such circumstance. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle inspected or reinspected; provided, however, that such an extension shall not be granted for a motor vehicle which has failed inspection and requires repairs pursuant to N.J.A.C. 13:20-7.6. The inspection extension shall be valid until such date as specified by the Director or his or her designee, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle.

(d) The owner or lessee of a motor vehicle registered in New Jersey which has failed inspection and requires repairs, other than repairs required to be made pursuant to N.J.A.C. 13:20-7.6, which cannot be completed prior to the date by which the motor vehicle must be presented for reinspection due to the nature of the repairs which are required, shall notify the Division of the date upon which the repairs to the motor vehicle shall be completed. If a current registration has been issued for the motor vehicle, the Director or his or her designee may, for good cause, issue a letter extending the time period in which to have the motor vehicle reinspected. The inspection extension shall be valid from its effective date to 14 days from the date upon which the repairs to the motor vehicle have been completed, but in no event shall the extension be valid beyond the expiration of the two year inspection cycle established for the motor vehicle.

13:20-43.13 Waivers; criteria for issuance; denial of warranty form; repair receipt form; waiver valid for inspection cycle; waiver issuance

(a) A motor vehicle which fails to satisfy the applicable emission standards as set forth in the rules adopted by the Department of Environmental Protection at N.J.A.C. 7:27-15 and 7:27B-4 shall be eligible for a certificate of waiver if the following requirements are satisfied:

1. (No change.)
2. The motor vehicle has passed an idle emission test conducted in accordance with N.J.A.C. 7:27-15.5 and [7:27B-4.5(b)] **7:27B-4.4(b)**;
3. The motor vehicle has passed a safety inspection conducted in accordance with **N.J.A.C. 13:20-32 or 13:20-33, whichever is applicable, and** this subchapter;
4. - 5. (No change.)
6. [Repairs] **Emission-related repairs** were performed by a registered motor vehicle emission repair facility or by the owner or lessee of the vehicle, provided he or she possesses a nationally recognized certification for emission-related diagnosis and repairs. Any owner or lessee of a motor vehicle may perform emission-related repairs of [primary emission control components] **the emission control system and/or may perform an emission-related process**; provided, that only the cost of parts incurred by the owner or lessee during the course of the repair of such [components] **system** shall be applied toward the applicable waiver amount in (a)8 below;
7. (No change.)

8. Prior to January 1, [2000] **2002**, the owner or lessee has expended no less than the applicable amount specified at 40 C.F.R. §51.360(a)(6) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage. Beginning on January 1, [2000] **2002**, the owner or lessee has expended no less than the amount specified at 40 C.F.R. §51.360(a)(7) for emission-related repairs of the motor vehicle excluding any repairs made under warranty coverage.

(b) - (e) (No change.)

13:20-43.14 On-road inspections; scope; inspection procedures; criteria for selecting vehicles; procedures upon inspection failure

(a) - (d) (No change.)

(e) The Division shall use the following criteria in determining which motor vehicles shall be subjected to on-road safety and emission inspection:

1. (No change.)

2. Motor vehicles without [a] **an inspection** certificate of approval **or certificate of waiver**;

3. Motor vehicles with an expired **inspection** certificate of approval **or certificate of waiver**;

4. Motor vehicles with an expired inspection rejection sticker **or other indication that the motor vehicle has failed inspection and has not been presented for reinspection within the period of time specified in N.J.A.C. 13:20-7.5, 13:20-7.6(a), or subsection (g) of this section, whichever is applicable**;

5. Motor vehicles without a registration plate(s) and/or registration plate [insert(s)] **decals**;

6. Motor vehicles with an expired registration plate decal(s);

Recodify existing 6. - 7. as **7. - 8.** (No change in text.)

(f) (No change.)

(g) The owner or lessee of a motor vehicle which has failed an on-road inspection shall have the necessary repairs made and present the **motor** vehicle for [a complete] reinspection within 30 days of the date of the on-road inspection rejection, except as otherwise provided at N.J.A.C. [13:20-7.2] **13:20-7.6(a).**

13:20-43.15 Recall compliance procedures; purpose; applicability; notice to owner; recall compliance form; transfer of ownership; denial and suspension of registration

(a) - (f) (No change.)

(g) Except as otherwise provided in this section, the Division shall deny the issuance or renewal of the registration of a motor vehicle and shall suspend the registration of a motor vehicle if the owner or lessee has not filed or caused to be filed with the Division **within six months of the written notice provided under (d) above** proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

(h) The denial of the registration shall be effective on the first day following the expiration date of the **motor** vehicle's registration. The suspension of the registration shall be effective on the date specified by the Division in an order of suspension issued to the owner **or lessee**.

1. The Division shall not suspend a motor vehicle registration pursuant to this section if the owner **or lessee** has surrendered to the Division the registration certificate and registration plates issued thereto.

2. The Division shall not deny a motor vehicle registration pursuant to this section if the [notice of unresolved recall required by (d) above is mailed or given to the owner or lessee of the vehicle in the six month period immediately preceding the expiration date of the motor vehicle's registration. If such notice is mailed or sent to the owner or lessee during the six month period and registration is issued or renewed by the Division, no further registration for that motor vehicle shall be issued or renewed unless proof of compliance with the recall notice is submitted to the Division] owner or lessee presents or causes the motor vehicle to be presented to the manufacturer or authorized dealer for emission-related recall repairs and files or causes to be filed with the Division proof that recall emission-related repairs have been completed by the manufacturer or authorized dealer.

13:20-43.16 Registration denial; suspension of registration; motor vehicles not inspected by [registration] certificate of approval or certificate of waiver expiration date; motor vehicles which have failed inspection and have not been presented for reinspection; conditional registration restoration; reinstatement of registration suspension due to non-compliance; conditional registration; suspension of conditional registration due to noncompliance; penalties

(a) Except as otherwise provided in this section, the Division shall deny the issuance or renewal of the registration of a motor vehicle, other than a motorcycle, and shall suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for inspection prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle. The Division shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for inspection prior to the expiration of the certificate of approval or certificate of waiver issued for the motor vehicle. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for inspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for inspection shall cause the registration for the motor vehicle to be suspended. The Division shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for inspection in accordance with the notice of scheduled registration suspension. The Division shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1. Surrenders or causes to be surrendered to the Division the registration certificate and registration plates issued [thereto] for the motor vehicle within the period of time provided in the Division's notice of scheduled registration suspension; or

2. Presents or causes the motor vehicle to be presented for inspection within the period of time provided in the Division's notice of scheduled registration suspension.

(b) Except as otherwise provided in this section, the Division shall deny or suspend the registration of a motor vehicle, other than a motorcycle, if the owner or lessee has not presented the motor vehicle for reinspection prior to the expiration of the inspection rejection sticker or other indication of inspection rejection issued for the motor vehicle after failure of inspection. The Division shall mail a notice of scheduled registration suspension to the owner or lessee of a motor vehicle whenever a motor vehicle has not been presented for reinspection within the period of time set forth in N.J.A.C. 13:20-7.5, 13:20-7.6(a), or 13:20-43.14(g), whichever is

applicable. The notice of scheduled registration suspension shall inform the owner or lessee that the motor vehicle must be presented for reinspection within 30 days from the date of the notice of scheduled registration suspension and that the owner's or lessee's failure to present the motor vehicle for reinspection shall cause the registration for the motor vehicle to be suspended. The Division shall mail an order of registration suspension to the owner or lessee if the owner or lessee fails to present the motor vehicle for reinspection in accordance with the notice of scheduled registration suspension. The Division shall not suspend a motor vehicle registration pursuant to this subsection if the owner or lessee complies with either of the following requirements:

1. Surrenders or causes to be surrendered to the Division [or its authorized agents] the registration certificate and registration plates issued [thereto] for the motor vehicle within the period of time provided in the Division's notice of scheduled registration suspension; or

2. Presents or causes the motor vehicle to be presented for reinspection within the period of time provided in the Division's notice of scheduled registration suspension.

(c) The Division shall not issue a motor vehicle registration renewal application if the registration for the motor vehicle is denied or suspended in accordance with this section.

(d) The Division shall issue a notice of conditional registration restoration to a motor vehicle owner or lessee who has applied for the restoration of a motor vehicle registration which has been denied or suspended pursuant to this section provided he or she has paid the registration restoration fee in accordance with N.J.S.A. 39:3-10a and N.J.A.C. 13:21-9.3(b) and, if applicable, the registration renewal fee required by law; provided, however, a notice of conditional registration restoration shall not be issued if the motor vehicle registration is otherwise suspended and is not eligible for restoration. The conditional registration restoration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

2. To travel to and from a Class I or Class II licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

4. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or

5. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(e) A notice of conditional registration restoration issued pursuant to (d) above shall be valid for a period not to exceed 14 days. The registration suspension of a motor vehicle for which a notice of conditional registration restoration has been issued by the Division pursuant to (d) above shall be reinstated if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle prior to the expiration of the notice of conditional registration restoration.

(f) The Division shall issue a conditional registration certificate to the purchaser of a used motor vehicle for which the registration thereof had been denied or suspended pursuant to this section prior to the date of sale provided the registrant has paid the registration fee required by law; provided, however, a conditional registration certificate shall not be issued if the purchaser's registration privilege is otherwise suspended and is not eligible for

restoration. The conditional registration shall authorize the operation of such motor vehicle only for the following purposes:

1. To travel from the place of purchase to the purchaser's residence or place of business;

2. To travel to and from an official inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

3. To travel to and from a Class I or Class II licensed private inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

4. To travel to and from a State specialty inspection facility where the inspection or reinspection of such motor vehicle is to be conducted;

5. To travel to and from a registered motor vehicle emission repair facility where the repair of such motor vehicle is to be performed; or

6. To travel to and from a repair facility where the repair of such motor vehicle is to be performed.

(g) A conditional registration certificate issued pursuant to (f) above shall be valid from the date of its issuance. The registration of a motor vehicle for which a conditional registration has been issued by the Division pursuant to (f) above shall be suspended if an inspection certificate of approval or certificate of waiver is not issued for such motor vehicle within 14 days of the issuance of the conditional registration certificate.

(h) A motor vehicle owner or lessee whose motor vehicle registration has been denied or suspended pursuant to this section shall not operate or permit the operation of such motor vehicle during the period of such denial or suspension. A person who operates or permits the operation of a motor vehicle during a period of denial or suspension shall be subject to the penalties set forth in N.J.S.A. 39:3-4, 39:3-40, and 39:5-35.

13:20-43.17 Inspector training and licensing; training administration; testing; application process; license fee; renewal of license; refresher training and testing; conflicts of interest

(a) - (f) (No change.)

[(g) (Reserved).]

SUBCHAPTER 44. PRIVATE INSPECTION FACILITY LICENSING

13:20-44.1 Purpose

(a) (No change.)

(b) The Division finds that in order to ensure that motor vehicles which are inspected, reinspected and certified by a private inspection facility are satisfactorily inspected, reinspected and certified and are in proper condition to be operated on the highways of this State and to ensure that inspections, reinspections and certifications are performed in accordance with the standards established by the Division at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. [7:27] 7:27-15 and [7:27B] 7:27B-4, a licensed private inspection facility must possess certain equipment used in the inspection, reinspection and certification of motor vehicles, including emission control systems.

13:20-44.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings[,], unless the context clearly indicates otherwise[:].

...

"Bi-fueled" means powered by gasoline and by an alternative fuel, but not on a mixture of the two fuels. Each fuel is stored in a separate tank. For example, a vehicle may operate on either propane or gasoline, but it cannot operate on both at the same time. Typically, these vehicles will consume the alternative fuel until the supply is exhausted, then switch over, often automatically, to use the traditional fuel. This term shall not include vehicles powered by electric motors.

...

"Emission control system" means a device or equipment installed on a motor vehicle by the **vehicle** manufacturer **and/or the engine manufacturer** for the purpose of controlling air contaminants emitted from the motor vehicle or motor vehicle engine, including devices or equipment integral with, but not limited to, exhaust emission control systems, fuel evaporation control systems, crankcase emission control systems, and associated devices or systems which control or monitor the function **and maintenance** of these devices or systems.

...

"Gross vehicle weight rating [(GVWR)]" **or "GVWR"** means the value specified by the manufacturer as the maximum loaded weight of a single or combination (articulated) vehicle.

...

"Jitney" means an autobus as defined in N.J.S.A. 48:16-23 with a carrying capacity of not more than 13 passengers, operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

...

"Motor vehicle emission testing equipment" means equipment in accordance with specifications contained in N.J.A.C. [7:27B, Appendix 7 ("Specifications for Motor Vehicle Emission Testing Equipment for Use in the New Jersey Enhanced Inspection and Maintenance Program")] **7:27B-4.14**. The equipment shall include all devices used for performing a motor vehicle emission inspection, including, but not limited to, exhaust gas analyzers, evaporative pressure testing apparatus, evaporative purge testing apparatus, dynamometers, computers and related software.

...

13:20-44.3 Scope; license required; vehicle classes; inspection services; [fleet facilities] **license classes**

(a) - (b) (No change.)

(c) Private inspection facilities shall be licensed to engage in the inspection, reinspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles [and], **bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled**

trucks having a GVWR of less than 10,000 pounds, motorcycles, buses (including modified buses regardless of passenger capacity which have been issued passenger, governmental, no fee, or commercial vehicle license plates by the Division), and jitneys; provided, however, private inspection facilities shall not inspect school buses, buses which are subject to inspection by the [New Jersey Department of Transportation] **Division's Commercial Bus Inspection and Investigation Unit, or** motor vehicles with [modified] **elevated** chassis height which are subject to inspection in accordance with N.J.A.C. 13:20-37[, motor vehicles which are operated by handicapped persons and which have been modified so that such vehicles are fully controlled by specially designed mechanical devices for the handicapped, or reconstructed vehicles].

(d) [Private] **Class I and Class II licensed private** inspection facilities shall provide inspection, reinspection and certification services in all **motor** vehicle inspection categories, **other than motorcycle inspection categories**, established by the Division, including the following inspection categories:

1. Credentials;

Recodify existing 1. - 7. as **2. - 8.** (No change in text.)

(e) **Class III licensed private inspection facilities shall provide inspection, reinspection and certification services in all motorcycle inspection categories established by the Division, including the following inspection categories:**

1. Credentials;

2. Brake system;

3. Exhaust system;

4. Steering, suspension, tires, and wheels;

5. Glazing (windscreen);

6. Electrical (all switches, signals, wipers, lenses, and lights, including headlights); and

7. Miscellaneous (any inspection item not in other categories).

[(e)] **(f)** Each motor vehicle inspection conducted by a private inspection facility pursuant to this subchapter shall include an examination of the driver's license, motor vehicle registration certificate and insurance identification card; **provided, however, that this subsection shall not apply to Federal motor vehicles inspected in accordance with N.J.A.C. 13:20-43.4 or to motor vehicles registered in other states inspected in accordance with N.J.A.C. 13:20-43.5.**

[(f)] Private inspection facilities shall be authorized to perform inspections, reinspections and certifications in all vehicle inspection categories established by the Division.]

(g) [Private inspection facilities shall be authorized to perform inspections, reinspections and certifications on vehicles owned or leased by the licensee.] **Private inspection facilities shall be licensed in the following classes:**

1. Class I licenses shall be issued to private inspection facilities to engage in the inspection and certification of light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, diesel-fueled trucks having a GVWR of less than 10,000 pounds, buses, and jitneys.

2. Class II licenses shall be issued to owners or lessees of fleets of 10 or more light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks, heavy-duty gasoline-fueled vehicles, bi-fueled motor vehicles, diesel-fueled automobiles, or diesel-fueled trucks having a GVWR of less than 10,000 pounds to engage in the inspection and certification of such motor vehicles.

3. Class III licenses shall be issued to private inspection facilities to engage in the inspection and certification of motorcycles.

(h) (No change.)

13:20-44.4 Initial application for a license

(a) Any person seeking to engage in the business of a private inspection facility shall apply, in accordance with the provisions of this subchapter, to the Director for a license authorizing him or her to engage in such business. An application for a private inspection facility license may be obtained from the Private Inspection Facility Licensing Unit of the Division. The address of the Private Inspection Facility Licensing Unit is:

Division of Motor Vehicles
Business License Compliance
Private Inspection Facility Licensing Unit
225 East State Street
[CN] **P.O. Box** 170
Trenton, New Jersey 08666-0170

(b) - (g) (No change.)

(h) Upon preliminary approval of each initial license application, a license shall be issued to the private inspection facility. Each initial license issued to a private inspection facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until June 30, [1998] **2000**, and shall, thereafter, be renewed on an annual basis, unless such license is suspended or revoked by the Director. If there are multiple places of business for a private inspection facility, a separate license shall be issued for each such place of business.

(i) - (k) (No change.)

13:20-44.6 Application and license fees

(a) Each initial application for a private inspection facility license shall be accompanied by a nonrefundable application fee of \$20.00 payable to the Division. **In the event that an initial applicant simultaneously submits applications for a Class I and Class III private inspection facility license, only one application fee shall be payable to the Division pursuant to this subsection.**

(b) Each initial or renewal application for a **Class I or Class II** private inspection facility license shall be accompanied by a license fee of \$250.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

(c) Each initial or renewal application for a Class III private inspection facility license shall be accompanied by a license fee of \$25.00 payable to the Division. Such license fee shall be returned to the applicant only in the event that the Director refuses to grant or renew a private inspection facility license. Such license fee, or any portion thereof, shall not be refunded to the licensee in the event that the private inspection facility license is suspended or revoked pursuant to N.J.S.A. 39:8-1 et seq. or this subchapter, or if the licensee voluntarily surrenders the license at any time during the license period.

13:20-44.7 License renewals

- (a) (No change.)
- (b) Each application to renew a private inspection facility license shall be accompanied by the applicable license renewal fee(s) specified in N.J.A.C. [13:20-44.6(b)] **13:20-44.6** and proof of liability insurance coverage as specified in N.J.A.C. 13:20-44.4(e).
- (c) (No change.)

13:20-44.9 Facilities and equipment

- (a) (No change.)
- (b) Motor vehicle emission testing equipment, approved by the Department of Environmental Protection, shall be owned or leased by a Class I or Class II licensed private inspection facility and shall be located on the business premises of the facility.
- (c) A vehicle lift or heavy duty floor jack shall be available on the business premises of [the] a Class I or Class II licensed private inspection facility.
- (d) - (e) (No change.)
- (f) Electronic medium for retrieval of motor vehicle inspection information from, and for transmission of motor vehicle inspection information to, the Division's data base shall be available on the business premises of [the] a Class I or Class II licensed private inspection facility.

13:20-44.10 Inspection certificates of approval

- (a) The inspection certificate of approval issued for motor vehicles, other than motorcycles, shall be composed of a base inspection sticker and insert indicating respectively the [calendar] year [of its validity] and month of expiration of the certificate of approval. The insert shall contain a bar-coded identifier linked to the motor vehicle. The inspection certificate of approval issued for motorcycles shall be composed of a one-piece sticker indicating the year and month of expiration of the certificate of approval.
- (b) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee, by mail or in person, from the [Division of Motor Vehicles, 225 East State Street, Trenton, New Jersey 08666] Private Inspection Facility Licensing Unit of the Division at the address specified in N.J.A.C. 13:20-44.4(a).
- (c) Base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles shall be purchased by a licensee at \$1.00 per sticker in quantities of [50] 25 or more.
- (d) A licensee shall secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles in a locked place of limited access, such as a safe, cabinet, or desk drawer. The licensee is solely responsible for the security of base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles. A licensee's failure to take necessary precautions to secure base inspection stickers for motor vehicles other than motorcycles and inspection certificates of approval for motorcycles from loss or theft shall be cause for suspension or revocation of the license.

(e) A licensee shall affix [base] **an** inspection [stickers] **certificate of approval** to a **motor** vehicle only after inspection or reinspection has been **successfully** completed.

(f) (No change.)

(g) A [licensee] **Class I or Class II licensed private inspection facility** shall not certify the emissions of any **motor** vehicle unless an emission inspector licensed by the Division in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17 has personally performed the emission inspection **or reinspection** and has determined that the **motor** vehicle meets the emission standards adopted by the Division at N.J.A.C. 13:20-43 and the Department of Environmental Protection at N.J.A.C. [7:27] **7:27-15** and [7:27B] **7:27B-4**. [After July 1, 1998, a licensee] **A Class I or Class II licensed private inspection facility** shall not certify the emissions of any **motor** vehicle **which has been rejected because of an emission test failure** unless a certified emission repair technician **or the owner or lessee of the motor vehicle** has performed the emission-related repairs[, other than repairs of the primary emission control components].

(h) A licensee shall secure motor vehicle inspection reports separate and apart from base inspection stickers **for motor vehicles other than motorcycles, and shall secure motorcycle inspection cards separate and apart from inspection certificates of approval for motorcycles,** in a locked place of limited access, such as a safe, cabinet, or desk drawer.

(i) A licensee shall record the date of issuance of the [base] inspection [sticker] **certificate of approval** on the corresponding motor vehicle inspection report **or motorcycle inspection card**.

(j) A licensee shall retain defective or voided [base inspection stickers and] **inspection certificates of approval,** motor vehicle inspection reports, **and motorcycle inspection cards** and shall surrender them to a Division representative at the time of a periodic audit conducted by the Division.

(k) A licensee shall notify the local law enforcement agency upon determining that a base inspection sticker(s) **for a motor vehicle other than a motorcycle or a certificate(s) of approval for a motorcycle** has been stolen and shall file a copy of such report with the Division.

(l) A licensee shall return all unused base inspection stickers [and] **for motor vehicles other than motorcycles, all unused certificates of approval for motorcycles, all unused motor vehicle** inspection reports, **and all unused motorcycle inspection cards** to a Division representative upon the licensee's discontinuation of inspection certification services.

(m) A licensee shall be solely responsible for base inspection stickers [and] **for motor vehicles other than motorcycles, certificates of approval for motorcycles, motor vehicle** inspection reports, **and motorcycle inspection cards** issued to it by the Division.

13:20-44.12 Notice and recordkeeping requirements

(a) Each licensee, except a **Class II licensed** private [fleet] inspection facility, shall display an outdoor sign which shall read: "[Licensed: State of] **Official** New Jersey Private Inspection Facility". The sign shall include the license number of the private inspection facility. The sign [must] **shall** contain letters at least two inches high with a stroke of approximately one-half inch, be visible from the road and be located in a conspicuous location for the general public to see. If zoning ordinances prohibit the posting of such sign or such posting is otherwise impractical, the licensee shall prominently display such sign on the exterior of the private inspection facility.

(b) - (j) (No change.)

13:20-44.13 Records; inspection reports

(a) A licensee shall maintain copies of motor vehicle inspection reports and motorcycle inspection cards in an order corresponding to the date on which the [base] inspection [sticker] certificate of approval was issued.

(b) A licensee shall maintain repair orders and invoices (bills for parts and labor) in the form required by [the deceptive automotive repair work and advertising practices rules (N.J.A.C. 13:45A-7)] N.J.A.C. 13:45A-26C.

(c) A licensee shall record the repair order and invoice number or numbers on the motor vehicle inspection report or motorcycle inspection card.

(d) Records required to be maintained by a licensee pursuant to this section shall remain on file at the licensee's place of business for a period of four years from the date of issuance of the [base] inspection [sticker] certificate of approval.

(e) Records required to be maintained by a licensee pursuant to this section shall be made available by the licensee for examination by authorized representatives of the Division, the Department of Environmental Protection [and] or the Division of Consumer Affairs at any time during regular business hours. Investigators and other authorized representatives of the Division, the Department of Environmental Protection [and] or the Division of Consumer Affairs shall be granted access to the licensee's business premises during regular business hours.

(f) A licensee's failure to permit investigators and other personnel from the Division, the Department of Environmental Protection [and] or the Division of Consumer Affairs on the premises of the licensee during regular business hours for purposes of conducting investigations shall be cause for suspension or revocation of the private inspection facility license. Such investigations may include, but shall not be limited to, discussions with customers, examination of motor vehicle emission testing equipment and other equipment specified in N.J.A.C. 13:20-44.9, questioning of employees and the employment of such other investigatory techniques as may be necessary for the enforcement of this subchapter and the provisions of Title 39, Title 26 and Title 56 of the Revised Statutes and the regulations adopted thereunder by the Division at N.J.A.C. 13:20-43, the Department of Environmental Protection at N.J.A.C. [7:27] 7:27-15 and [7:27B] 7:27B-4, and the Division of Consumer Affairs at N.J.A.C. [13:45A-7] 13:45A-26C.

13:20-44.14 Certification of inspection

(a) Each Class I or Class II licensed private inspection facility shall have the authority to perform inspections in all motor vehicle inspection categories established by the Division and to certify that specific items for which a motor vehicle was rejected at inspection have been corrected so that the motor vehicle is in [working order] proper operating condition and that it conforms to the [emission] inspection standards adopted by the Division at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. [7:27] 7:27-15 and [7:27B] 7:27B-4.

(b) Each Class III licensed private inspection facility shall have the authority to perform inspections in all motorcycle inspection categories established by the Division and to certify that specific items for which a motorcycle was rejected at inspection have been corrected so that the motorcycle is in proper operating condition.

_____ [(b)] (c) [No licensee] A Class I or Class II licensed private inspection facility shall not certify that items for which a motor vehicle was rejected at inspection have been corrected unless the licensee, or a licensed emission inspector or mechanic acting as an employee or agent of the licensee,

has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that all defects detected at inspection have been corrected so that the motor vehicle is in [working order] proper operating condition and that it conforms to the [emission] inspection standards adopted by the Division at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. [7:27] 7:27-15 and [7:27B] 7:27B-4.

(d) A Class III licensed private inspection facility shall not certify that items for which a motorcycle was rejected at inspection have been corrected unless the licensee has inspected the motorcycle and has determined that all defects detected at inspection have been corrected so that the motorcycle is in proper operating condition and that it conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33.

[(c)] **(e)** Certification shall be evidenced by the affixation of a certificate of approval on [the] a motor vehicle as specified in N.J.A.C. 13:20-43.11(a) and 13:20-33.2(k), or by the affixation of a certificate of approval on a motorcycle as specified in N.J.A.C. 13:20-33.2(n).

[(d)] **(f)** Certification of a motor vehicle by a [licensee] Class I or Class II licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee, or a licensed emission inspector or mechanic, has inspected the motor vehicle in accordance with N.J.A.C. 13:20-33 and has determined that the motor vehicle is in [working order] proper operating condition and conforms to the [emission] inspection standards adopted by the Division at N.J.A.C. 13:20-33 and 13:20-43 and the Department of Environmental Protection at N.J.A.C. [7:27] 7:27-15 and [7:27B] 7:27B-4.

(g) Certification of a motorcycle by a Class III licensed private inspection facility or an employee thereof shall constitute the licensee's representation that the licensee has inspected the motorcycle and has determined that the motorcycle is in proper operating condition and conforms to the inspection standards adopted by the Division at N.J.A.C. 13:20-33.

[(e)] **(h)** The fee which a licensee may charge the consumer for affixing a certificate of approval shall not exceed [\$1.50] \$2.50.

[(f)] **(i)** The fee which a licensee may charge for [inspection] reinspection of items for motor vehicles having a GVWR of 8,500 pounds or less, motor vehicles having a GVWR greater than 8,500 pounds, and motorcycles rejected after inspection and which have been repaired by the motor vehicle owner or lessee or someone not under the direction of the licensee shall not exceed that portion of the licensee's established hourly labor charge for repair service as specified by the Director to be the average time required to [inspect] reinspect a particular item of equipment. A licensee shall inform the consumer in advance that the licensee's charge for such [inspection] reinspection shall not exceed that portion of the hourly labor rate.

[(g)] **(i)** Every licensee who performs inspection certification services for the general public shall conspicuously display a schedule of inspection charges at his or her place of business and shall file a copy thereof with the Private Inspection Facility Licensing Unit of the Division. The schedule of inspection charges shall specifically set forth the inspection charge for the initial inspection of motor vehicles having a GVWR of 8,500 pounds or less and the inspection charge for the initial inspection of motor vehicles having a GVWR greater than 8,500 pounds. The posted schedule shall not be smaller than one square foot.

13:20-44.17 Additional violations

(a) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to issue a license or a renewal thereof, or suspend or revoke the existing license of any private inspection facility if he or she determines that the applicant or licensee:

1. - 3. (No change.)

4. Has been found to have violated or conducted fraudulent or deceptive practices concerning the inspection, reinspection, certification and/or repair of motor vehicles in violation of N.J.S.A. 39:8-1 et seq., 56:8-1 et seq., N.J.A.C. [13:45A-7] **13:45A-26C** or this subchapter;

5. Has a criminal record which is disqualifying. A disqualifying criminal record shall include a conviction of any offense in any jurisdiction which would be:

i. Any of the following offenses under the "New Jersey Code of Criminal Justice," P.L. 1978, c. 95 (Title 2C of the New Jersey Statutes) as amended and supplemented:

...

N.J.S.A. 2C:11-5 [(death by auto)] **(vehicular homicide)**;

...

ii. (No change.)

6. - 10. (No change.)

11. Does not have valid permits, as provided in N.J.A.C. [13:20-44.4(c)(5)] **13:20-44.4(c)6**, or other authorization from the appropriate Federal, State or other governmental agency authorizing operation of the business or operation of any equipment, service or process on the premises;

12. - 14. (No change.)

13:20-44.18 Emission inspector

[The licensee or someone in his or her employment shall be licensed as] **A Class I or Class II licensed private inspection facility shall employ** an emission inspector **licensed** in accordance with chapter 8 of Title 39 of the Revised Statutes and N.J.A.C. 13:20-43.17.

SUBCHAPTER 45. MOTOR VEHICLE EMISSION REPAIR FACILITY REGISTRATION

13:20-45.1 Purpose

(a) P.L. 1995, c. 112 provides for the registration of motor vehicle emission repair facilities by the Director of the Division of Motor Vehicles. The purpose of this subchapter is to establish a system for the registration of motor vehicle emission repair facilities which perform emission repairs for compensation on "gasoline-fueled" **or "bi-fueled"** motor vehicles as defined in N.J.A.C. 13:20-43.1 which have failed an emission inspection so that the Division may track emission repairs for monitoring purposes and document emission repair costs for purposes of issuance of certificates of waiver pursuant to N.J.A.C. 13:20-43.13.

(b) (No change.)

13:20-45.4 Initial application for registration

(a) Any person seeking to engage in the business of a motor vehicle emission repair facility shall apply, in accordance with the provisions of this subchapter, to the Director for a registration authorizing him or her to engage in such business. An application for a motor vehicle emission repair facility registration may be obtained from the Motor Vehicle Emission Repair Facility

Registration Unit of the Division. The address of the Motor Vehicle Emission Repair Facility Registration Unit is:

Division of Motor Vehicles
Business License Compliance
Motor Vehicle Emission Repair Facility
Registration Unit
225 East State Street
[CN] **P.O. Box** 170
Trenton, New Jersey 08666-0170

(b) - (e) (No change.)

(f) Upon preliminary approval of each initial registration application, a registration shall be issued to the motor vehicle emission repair facility. Each initial registration issued to a motor vehicle emission repair facility on or after June 29, 1995 shall be effective on the date of issuance and shall continue in force and effect until December 31, [1998] **2000**, and shall, thereafter, be renewed on a biennial basis, unless such registration is suspended or revoked by the Director.

13:20-45.7 Registration renewals

(a) - (b) (No change.)

(c) Upon approval of each renewal application, a registration shall be issued to the motor vehicle emission repair facility. Each renewal registration issued to a motor vehicle emission repair facility **on or** after [December 31, 1998] **January 1 of any year** shall continue in force and effect [for a period of two years] **until December 31 of the following year**, unless such registration is suspended or revoked by the Director.

13:20-45.10 Deceptive practices concerning emission-related repairs

Motor vehicle emission repair facilities shall be subject to the provisions of N.J.A.C. [13:45A-7] **13:45A-26C**.

13:20-45.14 Additional violations

(a) (No change.)

(b) In addition to any violation of N.J.S.A. 39:8-1 et seq., the Director may refuse to renew a registration or suspend or revoke the registration of any motor vehicle emission repair facility if he or she determines that the applicant or registrant at any time following submission of the application for initial registration:

1. Has been found to have violated or conducted fraudulent or deceptive practices concerning the repair of motor vehicles in violation of N.J.S.A. 56:8-1 et seq. or N.J.A.C. [13:45A-7] **13:45A-26C** or this subchapter;

2. - 14. (No change.)

13:20-45.16 Repair technician; certification

(a) [On or after July 1, 1998, the] **The** registrant or someone in his or her employment shall be certified as a repair technician. (b) [On or after July 1, 1998, no] **No** emission repairs to "gasoline-fueled" **or "bi-fueled" motor** vehicles as defined in N.J.A.C. 13:20-43.1 may be performed for compensation of any kind by any person or facility unless the repairs are made by,

or under the supervision of, a certified repair technician employed by the facility. For purposes of this subsection, "employed by" shall be construed to include any business relationship between the certified repair technician and the facility including actual or equitable ownership, in whole or in part, of the individual facility by the technician or a partnership interest in the facility.

(c) - (e) (No change.)

CHAPTER 21. LICENSING SERVICE

SUBCHAPTER 5. REGISTRATIONS

13:21-5.12 Registration plate decals

Upon issuance of each initial motor vehicle registration and each motor vehicle registration renewal by the Division of Motor Vehicles, a distinctive registration plate decal(s) shall also be issued by the Division for affixation to the front and rear license plates of such motor vehicles to indicate the month and year of expiration of the motor vehicle registration. This section shall not apply to motor vehicles registered at no fee in accordance with N.J.S.A. 39:3-27.

SUBCHAPTER 15. NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

13:21-15.7 Informing purchaser of dealer's responsibilities; suspension, revocation, or refusal to renew license due to noncompliance

(a) Prior to entering into any agreement for the retail sale of a used passenger motor vehicle, a motor vehicle dealer licensed pursuant to N.J.S.A. 39:10-19 shall give written notice to the purchaser of a used passenger motor vehicle to be registered in this State of the dealer's responsibilities under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(b) In the event that the purchaser of a used passenger motor vehicle to be registered in this State does not waive, pursuant to N.J.S.A. 39:10-29, the dealer's obligation pursuant to N.J.S.A. 39:10-27, the motor vehicle dealer shall inform the purchaser that the used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within 14 days of the date of issuance of the temporary authorization certificate for the motor vehicle by the Division of Motor Vehicles in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(c) Notwithstanding (b) above, the motor vehicle dealer and the purchaser of a used passenger motor vehicle to be registered in this State may mutually agree, in writing, that such used passenger motor vehicle must be presented for inspection at an official inspection facility as defined in N.J.A.C. 13:20-43.1 or a private inspection facility as defined in N.J.A.C. 13:20-43.1 within a shorter period of time from the date of issuance of the temporary authorization certificate for the motor vehicle by the Division of Motor Vehicles than that set forth in (b) above in order for the purchaser to exercise his or her rights under N.J.S.A. 39:10-26 through 39:10-30, inclusive.

(d) A motor vehicle dealer who violates this section may have his or her motor vehicle dealer's license suspended or revoked, or renewal thereof refused, by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 39:10-20.

The Division of Motor Vehicles may thereafter adopt this proposal without further notice. The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1999 -

C. Richard Kamin, Director

Date